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W.P.No.23151 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.23151 of 2022

V.Narasimma Moorthy

... Petitioner

VS.

- 1.The State of Tamil Nadu
rep. By its Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The State of Tamil Nadu
rep. By its Principal Secretary to Government,
Rural Development and Panchayat Raj
Department, Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The District Collector,
Collectorate, Tiruvannamalai,
Tiruvannamalai District – 606 604.
- 4.The District Revenue Officer,
Collectorate, Tiruvannamalai,
Tiruvannamalai – 606 604.
- 5.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai, NH-66, Anna Salai,
Opposite to Town Police Station,
Tiruvannamalai – 606 601.

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6.The Tahsildar,
Chengam Taluk Office,
Chengam, Tiruvannamalai – 606 701.

7.The Block Development Officer,
Block Development Office,
Pudupalayam, Tiruvannamalai – 606 705.

8.Assistant Director of Survey,
Collectorate, Tiruvannamalai,
Tiruvannamalai – 606 604.

9.Deputy Inspector of Survey,
Chengam Taluk Office, Chengam,
Tiruvannamalai – 606 701.

10.The Superintendent of Police,
Superintendent of Police Office,
Tiruvannamalai,
Tiruvannamalai – 606 604.

11.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Polur, Tiruvannamalai – 606 803.

12.Kumar

13.Natarajan

14.Saravanan

15.Sumathi

... Respondents

*(R1 and R2 deleted from the array of parties
vide order dated 02.09.2022 made in
W.P.No.23151 of 2022)*

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to direct the sixth respondent to
remove the encroachment of Aridharimangalam Village Survey No.77
Kalpayir lake extent of 56.33 hectares, water bodies Survey Nos.112-4
extent of 30 Ares and 113-2 extent of 45 Ares and direct respondents

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3 to 11 to perform respective duties properly in accordance with G.O.Ms.No.540 Revenue/LD6(2), 4th December 2014, Karthigai 18, Jaya, Thiruvalluvar Aandu – 2045 and direct to include the Block Development Officer in G.O.Ms.No.540 and handover the Kalpayir waterbodies to Block Development Officer within the time bound manner fixed by this Court.

For Petitioner : Mr.V.Narasimma Moorthy,
Party-in-Person

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R3 to R11
No appearance for R12 to R15
R1 & R2 deleted vide order
dated 02.09.2022

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity].

2. Mr.V.Narasimma Moorthy, writ petitioner/party-in-Person is before this Court.

3. Adverting to representations dated 08.11.2021 and 08.06.2022, writ petitioner submitted that there is alleged



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encroachment in 'Survey Nos.77, 112-4 and 113-2, Aridharimangalam lake, Kalpayir Village, Chengam Taluk, Tiruvannamalai District' [hereinafter 'said land' for the sake of convenience and clarity] by R12 to R15 before us. To be noted, R12 to R15 are private respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader for R3 to R11 is before this Court. As regards R12 to R15, notices were returned with an endorsement 'Refused'. Names of R12 to R15 together with addresses have been duly shown in the cause list. A scanned reproduction of the cause list is as follows:

8 WP/23151/2022
(Land.Ench.)

V.NARASIMMA MOORTHY
VS
THE STATE OF TAMIL NADU AND 14
OTHERS.

M/S. V.NARASIMMA MOORTHY (P-IN-P)

R1 & R2 - DELETED
(VIDE ORDER DT 02/09/2022)
MR. P. MUTHUKIMAR GP
FOR R3 TO R11
R12 TO R15 - REFUSED
R12 - KUMAR KALPAYIR,
ARIDHARIMANGALAM VILLAGE, KANJI
POST, CHENGAM TALUK,
TIRUVANNAMALAI-606 702
R13 - NATARAJAN KALPAYIR,
ARIDHARIMANGALAM VILLAGE, KANJI
POST, CHENGAM TALUK,
TIRUVANNAMALAI-606 702
R14 - SARAVANAN KALPAYIR,
ARIDHARIMANGALAM VILLAGE, KANJI
POST, CHENGAM TALUK,
TIRUVANNAMALAI-606 702
R15 - SUMATHI KALPAYIR,
ARIDHARIMANGALAM VILLAGE, KANJI
POST, CHENGAM TALUK,
TIRUVANNAMALAI-606 702.

We are informed by the Registry that R12 to R15 have not taken steps to enter appearance through counsel.



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5. In the light of what has been alluded to *supra* and considering the limited scope of the captioned WP, with the consent of both sides, captioned main WP was taken up.

6. It was submitted by learned Additional Government Pleader that G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 has been put in place, wherein and whereby Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system *qua* Government lands.

7. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer, Revenue Divisional Office, Tiruvannamalai *qua* G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

8. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land. The



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Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers (R12 to R15) before taking a call. To be noted, all the rights and contentions of alleged encroachers are preserved for being raised before the Committee concerned which shall consider the same on their own merits and in accordance with law untrammelled by this proceedings in this Court.

9. The Divisional Monitoring Committee *qua* G.O. (Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher). The entire exercise shall be completed within a period of 12 weeks from today *i.e.*, by 22.07.2025.

10. It is open to the writ petitioner and or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there is any change of circumstances.



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11. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.

12. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
29.04.2025

Index : Yes/No
Neutral Citation: Yes/No
mmi

To

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Principal Secretary to Government,
Rural Development and Panchayat Raj
Department, Secretariat, Fort St. George,
Chennai – 600 009.

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- 3.The District Collector,
Collectorate, Tiruvannamalai,
Tiruvannamalai District – 606 604.
- 4.The District Revenue Officer,
Collectorate, Tiruvannamalai,
Tiruvannamalai – 606 604.
- 5.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai, NH-66, Anna Salai,
Opposite to Town Police Station,
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- 7.The Block Development Officer,
Block Development Office,
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- 8.The Assistant Director of Survey,
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Tiruvannamalai – 606 604.
- 9.The Deputy Inspector of Survey,
Chengam Taluk Office, Chengam,
Tiruvannamalai – 606 701.
- 10.The Superintendent of Police,
Superintendent of Police Office,
Tiruvannamalai,
Tiruvannamalai – 606 604.
- 11.The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Polur, Tiruvannamalai – 606 803.



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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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