



W.P.No.23368 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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K.Kodiveri Anaikattu Thittam, Thadapalli
Vaaikkal, Cholamadevi-Bodichinnampalayam
Karai Murai Neerpasana Vivasagal SangamT-2,
Reg.No.SR/Gobichettipalayam/103/2010
represented by its President Mr.K.R.Subramaniam,
S/o.Late Ramasamy Gounder,
Kavi Illam, Kuravan Thottam,
Kasiyur, Gobi to Sathi Main Road,
Alakkuli Post, Gobichettipalayam Taluk,
Erode District – 638 453.

... Petitioner

Vs.

- 1.The District Collector,
Erode District, Perundurai Road, Erode.
- 2.The District Revenue Officer,
Office of the District Collector,
Erode – 638 011.
- 3.The Sub Collector,
Office of the Sub Collector,
Gobichettipalayam,
Erode District – 638 452.
- 4.The Tahsildar,
Office of the Tahsildar,
Gobichettipalayam,
Erode District – 638 452.

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5.The Block Development Officer,
Gobichettipalayam, Erode District.

6.Chinnammal
7.Bhuvaneswari
8.Thangavel
9.Rangamal
10.Chinnammal
11.Thangarasu
12.Ayyammal
13.Shanthi
14.Easwaran
15.Kolanthan
16.Kumar
17.Malathi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to remove the encroachments made by the respondents 6 to 17 in Survey Nos.110, 141, 143, 144 and 148 at Salai Poramboke, Bodichinnampalayam Village, Gobichettipalayam Taluk, Erode District by implementing the order of the fourth respondent vide proceedings in Na.Ka.No.21207/2014/A6 dated 25.02.2015.

For Petitioner : Mr.P.Chandrasekaran

For Respondents : Mr.K.Suresh,
Government Advocate
for R1 to R4
Mr.R.Kumaravel,
Additional Government Pleader
for R5



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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.P.Chandrasekaran, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 28.05.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey Nos.110, 141, 143, 144 and 148 at Salai Poramboke, Bodichinnampalayam Village, Gobichettipalayam Taluk, Erode District' [hereinafter 'said lands' for the sake of convenience and clarity] by R6 to R17 before us. To be noted, R6 to R17 are private respondents.

4. Considering the facts and circumstances of the case in juxtaposition with G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 {hereinafter 'said



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GO' for the sake of convenience} which puts in place a removal of encroachment procedure inter-alia giving opportunity to alleged encroachers, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 to R5) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R6 to R17.

5. Issue notice to official respondents, *i.e.*, R1 to R5.

6. Mr.K.Suresh, learned Government Advocate accepts notice for R1 to R4 and Mr.R.Kumaravel, learned Additional Government Pleader accepts notice for R5.

7. 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 WP was taken up.

8. It was submitted by learned State counsel that said GO 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.

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9. 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, Gobichettipalayam *qua* said GO.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said lands.

11. The Divisional Monitoring Committee *qua* said GO shall (if it comes to the conclusion that there is encroachment) report the encroachment to appropriate authorities concerned for further action (for removal of encroachment). In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroachers and therefore, this safety valve is put in place. 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. The entire exercise shall be completed within a period of 14 weeks from today *i.e.*, by 03.10.2025.



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12. 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.

13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said lands 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.

14. 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.)

(H.C.J.)

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Index : Yes / No

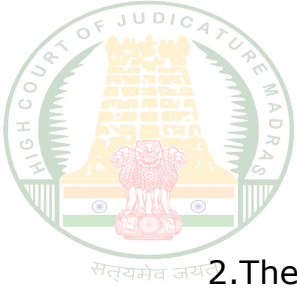
Neutral Citation : Yes / No

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To

1.The District Collector,
Erode District,
Perundurai Road, Erode.

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- 2.The District Revenue Officer,
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Erode – 638 011.
- 3.The Sub Collector,
Office of the Sub Collector,
Gobichettipalayam,
Erode District – 638 452.
- 4.The Tahsildar,
Office of the Tahsildar,
Gobichettipalayam,
Erode District – 638 452.
- 5.The Block Development Officer,
Gobichettipalayam, Erode District.
- 6.The Revenue Divisional Officer,
Gobichettipalayam.



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**
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