



W.P. No.26924 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. No.26924 of 2025 and W.M.P.No.30239 of 2025

P. Raja

Petitioner

vs.

1. The District Collector
Collectorate
Kallakurichi District
2. The Block Development Officer
Office of the Block Development Officer
Sankarapuram
Kallakurichi District
3. The Tahsildar
Taluk Office
Sankarapuram
Kallakurichi District
4. The President
Arasampattu Village Panchayat
Sankarapuram Taluk
Kallakurichi District
5. The Executive Engineer
Public Works Department (Water Resources)
Kallakurichi District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider and dispose of the petitioner's representation dated 20.06.2025 within a

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time frame by directing the respondents to immediately remove all encroachments and restore the canal in Survey Nos.70, 70/1, 72, 73, 71/13, 67/1 and 41 to its original natural alignment and condition.

For petitioner Mr. P.Saravanan

For RR 1,3 & 5 Mr. K. Suresh
Government Advocate

For RR 2 & 4 Mr. V. Jeevagiridharan
Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

This order will now dispose of the captioned 'writ petition' ['WP' for the sake of brevity].

2. Mr. P. Saravanan, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 20.06.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'S.Nos.71/13 (Vaaikaal), 67/1 (temple) and 70/10 (street)' [hereinafter 'said properties' for the sake of convenience and clarity] and to be specific, in S.No.71/13 which is a Government canal, R4 (President, Arasampatty Village Panchayat) is allegedly carrying on construction work illegally.

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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 GO' for the sake of convenience] which puts in place a Removal of Encroachment procedure *inter alia* giving opportunity to alleged encroacher, we are of the view that the captioned WP can be disposed of by ordering notice to respondents and putting in a safety valve / adequate protection *qua* alleged encroacher, *viz.*, R4 (Arasampattu Village Panchayat President).

5. Issue notice to respondents.

6. Mr. K. Suresh, learned Government Advocate, accepts notice for RR 1,3 and 5 and Mr. V. Jeevagiridharan, learned Additional Government Pleader, accepts notice for RR 2 and 4.

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 in the Admission Board, *i.e.*, Motion List.

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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.

9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by the Revenue Divisional Officer, Kallakurichi *qua* said GO.

10. We direct the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said properties.

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). To be noted, all the rights and



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contentions of alleged encroacher 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 29.10.2025.

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 properties 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. As regards remaining survey numbers stated in the prayer, in other words, the survey numbers not covered by said properties, since no *prima facie* documents are available, the issue is left open.



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14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat stands closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
23.07.2025

cad
Index: Yes/No
N.C. : Yes/No



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