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W.P.No.24279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.24279 of 2024

M.Pazhaniyammal

... Petitioner

Vs.

1.The District Collector,
O/o.The Salem Collectorate,
Fort Main Road, Salem – 636 001.

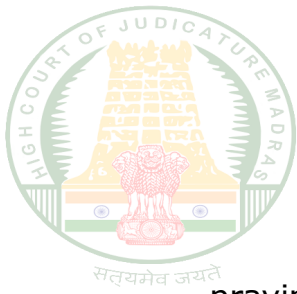
2.The Panchayat President,
O/o.The Tholasampatti Panchayat,
Tholasampatti, Salem – 636 503.

3.The Tahsildar,
O/o.The Tahsildar, Omalur,
Omalar Taluk,
Salem District, Salem.

4.The Village Administrative Officer,
T.Maramangalam Village,
Ramakrushnanoor,
Tholasampatti Post,
Salem District, Salem – 636 503.

5.Chinnaraj

... Respondents



W.P.No.24279 of 2024

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to measure the common passage area and to remove the illegal encroachment made in Survey No.56/3(Part) by considering the petitioner's representation letter dated 23.06.2024 within a stipulated time as fixed by this Court.

For Petitioners : Mr.N.Vijaya Basker
of M/s.Law Vision

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R4
Ms.G.Nirmala for R5

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.N.Vijaya Basker of M/s.Law Vision (Law Firm), learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R4 and Ms.G.Nirmala for R5 are before us.



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3. Adverting to a representation dated 25.03.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is encroachment in 'Old Survey No.56/3(Part), New Survey No.174/12, Ramakrushnanoor, T.Maramangalam Village, Omalur Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity]. To be noted, R5 is the private respondent.

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/s, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua alleged encroacher/s.

5. 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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6. 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, Mettur *qua* said GO.

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

8. 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 contentions of alleged encroacher/s 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 08.10.2025.

9. 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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10. 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.

11. 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.)

02.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The District Collector,
O/o.The Salem Collectorate,
Fort Main Road, Salem – 636 001.

2.The Panchayat President,
O/o.The Tholasampatti Panchayat,
Tholasampatti, Salem – 636 503.

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3.The Tahsildar,
O/o.The Tahsildar, Omalur,
Omalur Taluk,
Salem District, Salem.

4.The Village Administrative Officer,
T.Maramangalam Village,
Ramakrushnanoor,
Tholasampatti Post,
Salem District, Salem – 636 503.

5.The Revenue Divisional Officer,
Mettur.



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

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ADDENDA
W.P.No.24279 of 2024

M.SUNDAR, J.,

and

HEMANT CHANDANGOUDAR, J.,

(Order of the Court was made by **M.SUNDAR, J.,**)

Captioned matter is listed today under the cause list caption 'FOR BEING MENTIONED' at the instance of learned counsel for the writ petitioner.

2. Mr.N.Vijaya Basker, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for respondents 1 to 4 are before us.

3. Learned counsel for writ petitioner submitted that there is an error crept in Paragraph No.3 of order dated 02.07.2025 in and by which the captioned WP was disposed of. Learned counsel submits that the encroachment is in Old Survey No.56/3(Part), New Survey No.174/14, Ramakrushnanoor, T.Maramangalam Village, Omalur Taluk, Salem District and not in New S.No.174/12.

4. In the light of above submission, in paragraph No.3, 'Old Survey No.56/3(Part), New Survey No.174/12, Ramakrushnanoor, T.Maramangalam Village, Omalur Taluk, Salem



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District' should be read as '**Old Survey No.56/3(Pa**

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st '.

5. All the afore-referred counsel on either side agreed to have the aforementioned correction made. In all other aspects, the order dated 02.07.2025 remains the same. Therefore, this order will now be made as 'Addenda' and Corrigendum / Errata to 02.07.2025 order already pronounced in open court and already uploaded. This order will now be uploaded as 'ADDENDA' to / along with order made by this Court on 02.07.2025 and the Registry is directed to carry out necessary and consequential corrections and shall issue certified copies accordingly.

[M.S.J.,] [H.C.J.,]
12.09.2025

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