



WEB COPY



W.P. No.24057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P. No.24057 of 2024

N. Kanagasabapathy

Petitioner

vs.

1. The District Collector
Tiruvarur
2. The Superintendent of Police
Thiruvarur
3. The Revenue Divisional Officer
Mannargudi
4. The Commissioner
Mannargudi Municipality
5. The Tahsildar
Mannargudi
6. The Inspector of Police
Mannargudi Police Station
7. T. Balasubramaniam
8. B.Veerasekaran

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of certiorarified mandamus to call for records in the proceedings of the 4th respondent in Na.Ka.No.1516/2023/B4 dated 25.08.2023 and to quash the same as illegal and without jurisdiction, and to consequently direct the official respondents to remove the encroachments made by the 7th and 8th respondents in S.No.310/1 and T.S.No.3274 in Mudhal Setthi Village, Mannargudi Taluk, Tiruvarur District as found by the 4th respondent in Na.Ka.No.1516/2023/B4 dated 25.08.2023.

For petitioner	Ms. Gopika Nambiar for Mr. Sharath Chandran
For RR 1, 3 & 5	Mr. T.K. Saravanan Additional Government Pleader
For RR 2 & 6	Mr. S. Sugendran Addl. Public Prosecutor
For R4	Mr. P. Srinivas Standing Counsel
For RR 7 & 8	Mr. S. Senthil Kumar

ORDER

[made by M.SUNDAR, J.]

Captioned WP has been filed with a prayer for issue of a writ of certiorarified mandamus.

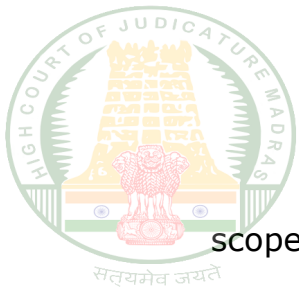


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2. In and *vide* the certiorari limb of the prayer, proceedings dated 25.08.2023 bearing reference Na.Ka.No.1516/2023/B4 issued by R4 (Commissioner) has been assailed. This 25.08.2023 proceedings of R4 shall hereinafter and henceforth be referred to as 'impugned proceedings' for the sake of convenience and clarity.

3. Ms. Gopika Nambiar, learned counsel representing Mr.Sharath Chandran, learned counsel on record for writ petitioner, submitted that there is alleged encroachment in 'S.No.310/1 and T.S.No.3274 in Mudhal Setthi Village, Mannargudi Taluk, Tiruvarur District' [hereinafter 'said lands' for the sake of convenience and clarity] by private respondents, who have been arrayed as R7 and R8 in the captioned WP.

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/mechanism which *inter alia provides for* giving opportunity to alleged encroachers and considering the limited



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scope of the captioned WP, we are of the view that the captioned WP can be disposed of with the consent of learned counsel for parties.

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5. Mr.T.K.Saravanan, learned Additional Government Pleader, for RR 1, 3 and 5, Mr. S. Sugendran, learned Additional Public Prosecutor for RR 2 and 6, Mr. P. Srinivas, learned Standing Counsel for R4 and Mr. S. Senthilkumar, learned counsel for RR 7 and 8 are before us.

6. It was submitted by learned State counsel for RR 1,3 and 5 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.

7. In the light of the narrative thus far, instead of either sustaining or dislodging the impugned proceedings, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer, Mannargudi (R3) *vide* said GO.



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8. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment in said lands.

9. 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 make it clear that all 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 06.11.2025.

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

11. 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



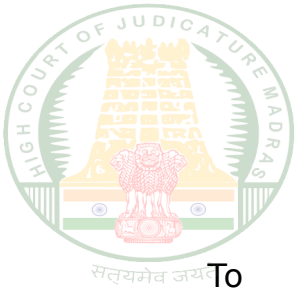
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turns largely / heavily on facts and it is for the Committee concerned to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land *i.e.*, if there is any encroachment in public land, which, in turn, means that the question as to whether said lands are public lands is also left open for the Committee concerned to take a call. It is further made clear that further proceedings, if at all and if that be so, will be subject to the outcome of the proceedings before the Divisional Monitoring Committee.

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

(M.S., J.) (T.V.K., J.)
31.07.2025
(2/2)

gya/cad



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To
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T.VINOD KUMAR, J.

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