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W.P.No.26431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.26431 of 2025

A.Ravi

... Petitioner

vs.

1. The Revenue Divisional Officer
Attur, Salem District.

2. The Tahsildar
Office of Tahsildar, Thalaivasal,
Salem District.

3. Parameswaran
4. Thiyagarajan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachments over the public drainage existing at S.F.No.142/4 of Periyeri Village, Thalaivasal Taluk, Salem District by considering the representation of the petitioner herein dated 07.12.2024 within the time as fixed by this Court.



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For Petitioner : Ms.D.Jeevitha

For Respondents : Mr.T.K.Saravanan
Addl. Govt. Pleader for R1 and R2

ORDER

[made by M.SUNDAR, J.]

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

2. Ms.D.Jeevitha, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 07.12.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in public drainage in 'S.F.No.142/4 of Periyeri Village, Thalaivasal Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 and R4 before us. To be noted, R3 and R4 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 and R2) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R3 and R4.

5. Issue notice to official respondents, *i.e.*, R1 and R2.

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and R2.

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, Attur, Salem District [R1] *qua* said GO.

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

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 28.10.2025.



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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 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.

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.)
22.07.2025

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

gpa

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- To
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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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