



WEB COPY



W.P.No.32853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.32853 of 2025

Rajagopal

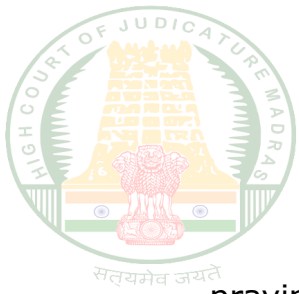
Petitioner

vs.

1. The District Collector/Chairperson
District Monitoring Committee
Salem District
2. The Revenue Divisional Officer/Chairperson
Divisional Monitoring Committee
Sangagiri
Salem District
3. The Tahsildar
Edappadi Taluk
Salem District
4. The District Development Officer
Salem
Salem District
5. The Block Development Officer
Konganapuram Panchayat Union
Salem District

6. Muthuswami

Respondents



W.P.No.32853 of 2025

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to remove the encroachments made in the 15 links village road comprised in Survey Nos.29/1L, 39/1J, 39/2J, 39/1K, 39/1W, 39/1Y, 39/1AA, 39/1AB, 39/1AC, 39/2, 39/2H, 39/2I, 37/1AG, 37/1AF, 37/1AE, 37/1AD, 37/1AC, 37/1A, 37/1B, 37/1C, 37/1D, 37/1E, 37/1G, 37/1H, 37/1K, 37/1L, 37/1M, 38/1Y, 38/1V, 38/1T, 38/1S, 38/1Q, 38/1J, 3/1I, 38/1F, 29/2A, 39/2B, 39/2C, 39/2D, 39/2F, 39/2E, 39/2H, 39/1Y, 39/1Y, 39/1H, 39/1C, 39/1B and 39/2G, Erumaipatti Village, Edappadi Taluk, Salem District, admeasuring 2,010 sq. links based on the petitioner's representation dated 21.03.2025.

For petitioner Mr. C.K.M. Appaji

For RR 1 to 5 Mr. T.K. Saravanan
Addl. Govt. Pleader

For R6 Notice dispensed with

ORDER

[made by M.SUNDAR, J.]

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

2. Mr. C.K.M. Appaji, learned counsel on record for writ petitioner, is before us.



WEB COPY



W.P.No.32853 of 2025



W.P.No.32853 of 2025

3. Adverting to a representation dated 21.03.2023 from the writ petitioner, learned counsel for writ petitioner submitted that there are alleged encroachments in 'Survey Nos.29/1L, 39/1J, 39/2J, 39/1K, 39/1W, 39/1Y, 39/1AA, 39/1AB, 39/1AC, 39/2, 39/2H, 39/2I, 37/1AG, 37/1AF, 37/1AE, 37/1AD, 37/1AC, 37/1A, 37/1B, 37/1C, 37/1D, 37/1E, 37/1G, 37/1H, 37/1K, 37/1L, 37/1M, 38/1Y, 38/1V, 38/1T, 38/1S, 38/1Q, 38/1J, 3/1I, 38/1F, 29/2A, 39/2B, 39/2C, 39/2D, 39/2F, 39/2E, 39/2H, 39/1Y, 39/1Y, 39/1H, 39/1C, 39/1B and 39/2G, Erumaipatti Village, Edappadi Taluk, Salem District' [hereinafter 'said lands' for the sake of convenience and clarity] by private respondent, who has been arrayed as sixth respondent in 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 encroacher, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (respondents 1 to 5) and dispensing with notice to private



W.P.No.32853 of 2025

respondent (sixth respondent) *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, sixth respondent.

5. Issue notice to official respondents, *i.e.*, respondents 1 to 5.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for all official respondents (respondents 1 to 5).

7. In the light of what has been alluded to *supra* and considering the limited scope of the captioned WP, with the consent of learned counsel for writ petitioner and learned State counsel, captioned WP was taken up in the Admission Board, *i.e.*, Motion List, itself.

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.



W.P.No.32853 of 2025

WEB COPY

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 second respondent *vide* said GO.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment in 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 encroacher and therefore, we make it clear that all rights and 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 08.12.2025.



W.P.No.32853 of 2025

12. It is open to the writ petitioner and / or anyone concerned with this matter, including private respondent, 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 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.

14. 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.) (M.S.K.,J.)
01.09.2025

cad

Page No.7/9



W.P.No.32853 of 2025

WEB COPY

To

1. The District Collector/Chairperson
District Monitoring Committee
Salem District
2. The Revenue Divisional Officer/Chairperson
Divisional Monitoring Committee
Sangagiri
Salem District
3. The Tahsildar
Edappadi Taluk
Salem District
4. The District Development Officer
Salem, Salem District
5. The Block Development Officer
Konganapuram Panchayat Union
Salem District



WEB COPY



W.P.No.32853 of 2025

M.SUNDAR, J.

and

MUMMINENI SUDHEER KUMAR, J.

cad

W.P.No.32853 of 2025

01.09.2025