



W.P.No.27908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

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

W.P.No.27908 of 2024

B.Killivalavan

.. Petitioner

Vs.

- 1.State rep. By
The Secretary to Government,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.State rep. By
The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai – 600 009.
- 3.The District Collector,
Office of the Collectorate,
Ariyalur District.
- 4.The District Superintendent of Police,
Office of the District Superintendent of Police,
Ariyalur District.
- 5.The Regional Officer,
Regional Office, Udaiyarpalayam,
Ariyalur District.



W.P.No.27908 of 2024

WEB COPY

6.The Manager (cum) Commissioner (Public),
Jayankondam Municipality,
Ariyalur District.

7.The Thasildar,
Jayankondam, Ariyalur District.

8.The Commissioner,
Panchayat Union Office,
Jayankondam.

9.The Block Development Officer,
Panchayat Union Office, Jayankondam.

10.N.Raja Sekaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 8th respondent to consider the petitioner's representation dated 22.06.2024 regarding the removal of encroachment in the common passage in the Government land between the road and petitioner's house within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.S.Elan Kumaran

For Respondents : Mr.K.Suresh,
Government Advocate
for R1 to R3 and R5 to R9
Mr.S.Sugendran,
Additional Public Prosecutor for R4



W.P.No.27908 of 2024

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ORDER

[Order of the Court was made by M. SUNDAR, J.]

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

2. Mr.S.Elan Kumaran, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 22.06.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'common passage in Natham Survey No.68/12B, Alathipallam Village, Udaiyarpalayam Taluk, Ariyalur District' [hereinafter 'said land' for the sake of convenience and clarity] by private respondent/R10.

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*



W.P.No.27908 of 2024

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 to R9) and dispensing with notice to private respondent *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, R10.

5. Issue notice to official respondents, *i.e.*, R1 to R9.

6. Mr.K.Suresh, learned Government Advocate accepts notice for R1 to R3 and R5 to R9 and Mr.S.Sugendran, learned Additional Public Prosecutor accepts notice for R4.

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 for hearing.

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.27908 of 2024

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, Udayarpalayam, Ariyalur District *vide* said GO.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment in 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 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 06.11.2025.



W.P.No.27908 of 2024

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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.

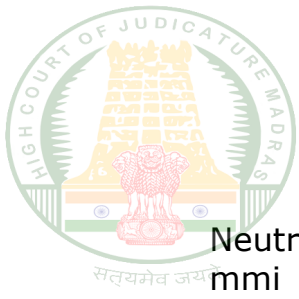
13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said land as it turns largely / heavily on facts and it is for the Committee concerned to take a call on this aspect of the matter. We also make it clear that this exercise will not apply 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 land is public land 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.) (T.V.K.,J.)
31.07.2025

Index : Yes

Page Nos.6/8



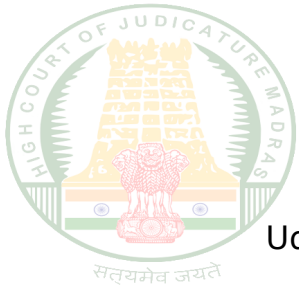
W.P.No.27908 of 2024

Neutral Citation : Yes
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To

- 1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai – 600 009.
- 3.The District Collector,
Office of the Collectorate, Ariyalur District.
- 4.The District Superintendent of Police,
Office of the District Superintendent of Police,
Ariyalur District.
- 5.The Regional Officer,
Regional Office, Udaiyarpalayam,
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- 6.The Manager (cum) Commissioner (Public),
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- 7.The Thasildar,
Jayankondam, Ariyalur District.
- 8.The Commissioner,
Panchayat Union Office,
Jayankondam.
- 9.The Block Development Officer,
Panchayat Union Office, Jayankondam.
- 10.The Revenue Divisional Officer,

Page Nos.7/8



W.P.No.27908 of 2024

Udayarpalayam, Ariyalur District.

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**M.SUNDAR, J.,
and
T.VINOD KUMAR, J.,**

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W.P.No.27908 of 2024

31.07.2025

Page Nos.8/8