



WEB COPY

W.P. No.29328 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:
THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE T. VINOD KUMAR

W.P.No.29328 of 2025

Murugan

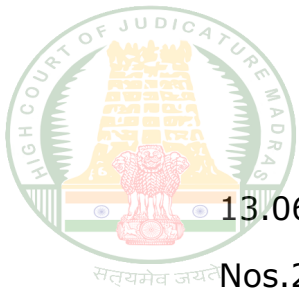
Petitioner

vs.

1. The District Collector
District Collectorate
Kallakurichi District
2. The Revenue Divisional Officer
Kallakurichi & Taluk
Kallakurichi District
3. The Tahsildar
Chinnasalem Taluk
Kallakurichi District
4. The Block Development Officer
Block Development Office
Chinnasalem Taluk
Kallakurichi District
5. The Assistant Engineer
Public Works Department
Chinnasalem Taluk
Kallakurichi District
6. Saravanan
7. Sakthivel
8. Singaravelu
9. Paramasivam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to consider the petitioner's representations dated 27.05.2025 and



13.06.2025 and remove the encroachment made in Survey Nos.23/2, 24A, 23, 36, 37/38, Ammaiyagaram Village, Chinnasalem Taluk, Kallakurichi District, within a time frame.

For petitioner Mr. V. Gunasekar

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

For RR 6 to 9 Notice dispensed with

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ORDER

(made by M. SUNDAR, J.)

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

2. Mr. V. Gunasekar, learned counsel on record for writ petitioner, is before us.

3. Adverting to representations dated 27.05.2025 and 13.06.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in Survey Nos.23/2, 24A, 23, 36, 37 and 38, Ammaiyagaram Village, Chinnasalem Taluk, Kallakurichi District by private respondents, who have been arrayed as respondents 6 to 9 in captioned WP.



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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, 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 respondents (respondents 6 to 9) *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, respondents 6 to 9.

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

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 5 and inviting our attention to survey numbers mentioned in the prayer, learned State counsel submits that (i) Survey No.23/2 is a Government poramboke (Vaaikkaal), (ii) Survey No.24A has been sub-divided as Survey No.24A/1A (Ryotwari Punjai - Nilaviyal Vaaikkaal), Survey No.24A/2B (Ryotwari Punjai - Nilaviyal Vaaikkaal) and Survey No.24A/3 (Government Poramboke - Railway), and (iii) Survey No.36 is a Government Poramboke (Vaaikkaal) and Survey Nos.37



and 38 are patta lands. Learned State counsel further submits that there is no S.No.23 at all as stated in the prayer portion. Hence, excluding S.Nos.23,37 and 38, the remaining survey numbers, viz., 'Survey Nos.23/2, 24A/1A, 24A/2B, 24A/3 and 36 in Ammaiyaagaram Village, Chinnasalem Taluk, Kallakurichi District' will hereon and henceforth be referred to as 'said lands' for the sake of convenience and clarity.

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 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.

9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by second respondent *vide* said GO.

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



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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, 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 12.11.2025.

12. 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.

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



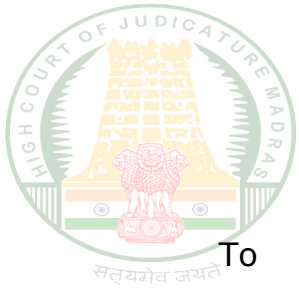
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only to public land *i.e.*, if there is any encroachment in public land, which, in turn, means that the question as to whether said lands are public lands is also left open for the Committee concerned to take a call.

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.) (T.V.K., J.)
06.08.2025

cad
Index : Yes/No
NC : Yes/No



To

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