



W.P.No.32883 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.32883 of 2025

and

W.M.P.No.36854 of 2025 in W.P. No.32883 of 2025

1.R.Kannu
2.Rajakumari

... Petitioners

Vs.

- 1.The District Collector,
Collectorate Office,
Tiruvannamalai District – 606 604.
- 2.The District Revenue Officer,
Collector Office,
Tiruvannamalai District – 606 604.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai Division,
Tiruvannamalai District – 606 601.
- 4.The Tahsildar,
Tahsildar Office,
Thandarampattu Taluk,
Tiruvannamalai District – 606 607.



W.P.No.32883 of 2025

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5.The Secretary,
Revenue Department,
Secretariat,
Namakkal Kavingar Maaligai,
Kottai, Chennai.

6.The Secretary,
Public Works Department,
Road and Public Works Department,
Secretariat,
Namakkal Kavingar Maaligai,
Kottai, Chennai.

7.Patchaiyappa Gounder
8.Selvam
9.Ramanathan
10.Kuppan
11.Gunasekar

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the order passed by the fourth respondent in Se.Mu.Order A3-1552-2021 dated 30.06.2025 and quash the same and consequently direct the official respondents to remove the encroachment made by the respondents 7 to 11 as found in "Pathai Poromboke" (பாதை புறம்போக்கு) in Survey No.318, Perungalathur Village, Thandarampattu, Thiruvannamalai District enabling the respondents 1 to 6 to lay the thar road to access the petitioners' land.

For Petitioners : Mr.L.P.Shanmugasundaram

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader



W.P.No.32883 of 2025

for R1 to R6

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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' [hereinafter 'WP' for the sake of brevity].

2. Mr.L.P.Shanmugasundaram, learned counsel on record for writ petitioners, is before us.

3. Learned counsel for writ petitioners submitted that there is alleged encroachment qua 'Pathai Poromboke (பாதை புறம்போக்கு) in Survey No.318, Perungalathur Village, Thandarampattu, Thiruvannamalai District' [hereinafter 'said land' for the sake of convenience and clarity] by private respondents, who has been arrayed as R7 to R11 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



W.P.No.32883 of 2025

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 (R1 to R6) and dispensing with notice to private respondents/R7 to R11 *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R7 to R11.

5. Issue notice to official respondents, *i.e.*, R1 to R6.

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R6.

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 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.32883 of 2025

WEB COPY

9. In the light of the narrative thus far, we neither sustain nor dislodge 'order dated 30.06.2025 bearing reference செ.மு.ஆணை.அ3-1552-2021' (hereinafter 'impugned order' for the sake of convenience and clarity) but set aside only a portion of the impugned order where it is opined that the encroachments need not be dislodged and we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer, Tiruvannamalai *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 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



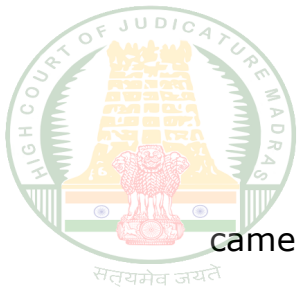
W.P.No.32883 of 2025

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 05.12.2025.

12. It is open to the writ petitioners 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 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. It is pertinent to point out that instant two writ petitioners



W.P.No.32883 of 2025

came to this Court earlier *vide* W.P.No.8669 of 2021 and W.M.P. Nos.9207 and 9209 of 2021 thereat with a prayer to forbear the official respondents from issuing patta to the private respondents for said land *inter alia* on the ground that said land has been classified as Pathai Poramboke in revenue records. This writ petition came to be disposed of by another Hon'ble Division Bench in and by an order dated 29.04.2024 *inter alia* directing respondents 1 to 4 to pass orders on 'writ petitioners' representation dated 23.01.2021', which shall hereinafter be referred to as 'said representation' for the sake of convenience and clarity. [To be noted, in and *vide* said representation, writ petitioners have alleged encroachment by private respondents qua said land and therefore, requested the official respondents not to issue patta to private respondents].

15. Though the aforereferred 29.04.2024 order gives a directive to respondents 1 to 4, fourth respondent alone has considered the said representation and made the impugned order. In this impugned order, fourth respondent has returned factual findings that there is encroachment in said land; that the private respondents are encroachers but has opined that the encroachments by private respondents need not be removed as there is sufficient pathway for

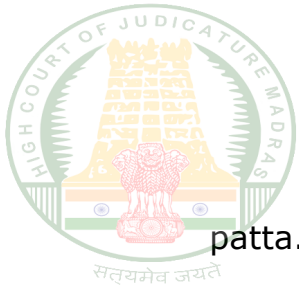


W.P.No.32883 of 2025

writ petitioners and dwelling houses of encroachers need not be disturbed for the sake of pathway. While not interfering with the factual finding of fourth respondent that there is encroachment and leaving it open to the Monitoring committee to consider the same after hearing both sides, as stated above, we set aside the opinion alone expressed by fourth respondent in the impugned order to the effect that the encroachments need not be dislodged, so that further proceedings, depending on the report of the Monitoring Committee, can follow.

16. Learned State counsel submits that private respondents have been living for over hundred years and have sought patta. We make it clear that it is open to private respondents to take this plea before Monitoring Committee and it is equally open to the writ petitioners to object to grant of patta and the Monitoring Committee, after considering all the facts and circumstances and after considering the versions of both sides, shall return a finding on this aspect of the matter also.

17. On the contrary, learned counsel for writ petitioners submits that private respondents have already been favoured with



W.P.No.32883 of 2025

patta. If this be the case, rights and contentions of writ petitioners are left open to seek cancellation of patta in a manner known to law and if the writ petitioners resort to such a course, the same shall be considered on its own merits and in accordance with law after giving opportunity to all concerned.

18. 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.

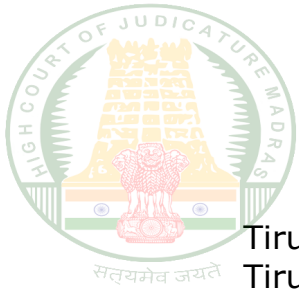
(M.S.,J.) (H.C.,J.)
29.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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Page Nos.9/12



W.P.No.32883 of 2025

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WEB COPY

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WEB COPY



W.P.No.32883 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mmi

W.P.No.32883 of 2025



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W.P.No.32883 of 2025

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