



WEB COPY

W.P.No.31207



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31207 of 2025 and W.M.P. No.34944 of 2025

S. Kiruthigan Lokesh

Petitioner

vs.

1. The District Collector
Namakkal
Namakkal District
2. The Revenue Divisional Officer
Tiruchengode
Tiruchengode Taluk
Namakkal District
3. The Tahsildar
Paramathi Velur Taluk
Namakkal District
4. The Tamil Nadu Public Works Department
represented by its Chief Engineer
Chepauk
Chennai 600 005
5. The Executive Engineer
The Tamil Nadu Public Works Department
Namakkal
6. Vasantha Raja

Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to take appropriate action for removal of encroachment in the field drainage channel running in Survey Nos.133, 155, 129 and 124/6A at S. Vengarai Village, Paramathivelur Taluk, Namakkal District and restore the field drainage channel running in Survey Nos.133, 155, 129 and 124/6A at S. Vengarai Village to its pristine form.

For petitioner Mr. R. Rajarajan

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. R. Rajarajan, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 29.07.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged



encroachment in 'Survey Nos.133, 155, 129 and 124/6A at S. Vengarai Village, Paramathivelur Taluk, Namakkal 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(s)s, 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 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 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.

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 27.11.2025.

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



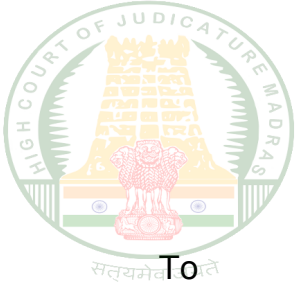
whether said lands are public lands, is also left open for the Committee concerned to take a call.

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14. Captioned WP is disposed of with the aforementioned observations, directives and preservation of rights in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
21.08.2025

cad
Index : Yes/No
NC : Yes/No



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