



WEB COPY



W.P.No.32560 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

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

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.32560 of 2025

R.Dayanithi

... Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Salem.

2.The Commissioner of Police,
Salem City, Salem.

3.The Thasildar,
Hasthampatty, Salem.

4.The Inspector of Police,
Veeranam Police Station,
Salem City, Salem.

5.Dhanam

6.Madhaiyan

7.Raman

8.Murugan @ Palaniappan

9.Selvam

10.Subramani

11.Perumayee

12.Varadhan

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments caused by the respondents 5 to 12 and others over the public road comprised in S.F.Nos.57/4 and 57/5 at D.Perumapalayam Village, Salem District by considering the representation of the petitioner dated 14.07.2025.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R3
Mr.S.Raja Kumar,
Additional Public Prosecutor
for R2 and R4

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



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3. Adverting to a representation dated 14.07.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment qua 'public road comprised in S.F.Nos.57/4 and 57/5 at D.Perumapalayam Village, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by private respondents, who have been arrayed as R5 to R12 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 encroachers, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 to R4) and dispensing with notice to private respondents/R5 to R12 *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R5 to R12.

5. Issue notice to official respondents, *i.e.*, R1 to R4.



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6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1and R3 and Mr.S.Raja Kumar, learned Additional Public Prosecutor accepts notice for R2 and 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 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.

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, Salem *vide* said GO.

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



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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 16 weeks from today *i.e.*, by 23.12.2025.

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 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

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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.) (M.S.K.,J.)
02.09.2025

Index : Yes / No
Neutral Citation : Yes / No
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- To
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 - 3.The Thasildar,
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 - 4.The Inspector of Police,
Veeranam Police Station,
Salem City, Salem.
 - 5.The Revenue Divisional Officer,
Salem.

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**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**
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