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W.P.No.32485 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P.No.32485 of 2025

Muthusamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tiruchengode Road, Namakkal District.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Tiruchengode Road, Namakkal District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruchengode Road, Namakkal District.

4.The Tahsildar,
Office of the Tahsildar,
Mohanur Road, Namakkal District.

5.Murugesan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 4

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to remove the encroachment made by the fifth respondent in S.No.508/64 situate in Government Natham of Navani Village, Namakkal District classified as poramboke and S.No.509 situate in Navani Village, Namakkal District classified as cart track by invoking the Land Encroachment Act, 1905, by considering the petitioner's representation dated 09.06.2025.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to 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.S.Senthil, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 09.06.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment qua 'S.No.508/64 situate in Government

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Natham of Navani Village, Namakkal District classified as poramboke and S.No.509 situate in Navani Village, Namakkal District classified as cart track' [hereinafter 'said lands' for the sake of convenience and clarity] by private respondent, who has been arrayed as R5 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 respondent/R5 *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, R5.

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

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R4.



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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 second respondent i.e., Revenue Divisional Officer, Tiruchengode *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

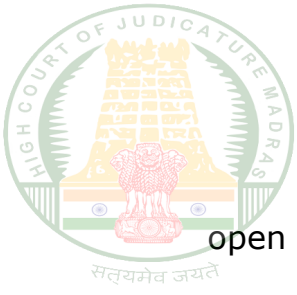


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(for removal of encroachment). In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, we make it clear that all rights and contentions of alleged encroacher 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 02.12.2025.

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 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



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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. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)

26.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

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**and
R.SAKTHIVEL, J.,**

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