



W.P.No.37618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

**W.P.No.37618 of 2024**

P.Ramakrishnan  
S/o.Periannan

... Petitioner

VS

1. The District Collector  
Salem.
2. The Revenue Divisional Officer  
Attur Town  
Salem.
3. The Tahsildar  
Attur Town  
Salem.
4. The Block Development Officer  
Attur Town  
Salem.
5. Venkatesh  
S/o.Ganesan

Page Nos.1/7



W.P.No.37618 of 2024

WEB COPY

6. Rajendran  
S/o.Ganesan

7. Periya Thambi  
S/o.Muthuswami

8. Rajangam  
S/o.Mottaiyan

... 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 to remove encroachments made by respondents 5 to 8 in Survey Nos.871/2, 871/4, Paithur Village, Attur Taluk, Salem District and restore the water body and the water drainage to its original state.

For Petitioner : Mr.S.T.Bharath Gowtham

For Respondents : Mr.M.S.Arasakumar,  
Government Advocate  
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' ['WP' for the sake of brevity].

Page Nos.2/7



W.P.No.37618 of 2024

2. Mr.S.T.Bharath Gowtham, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 23.09.2024, Mr.S.T.Bharath Gowtham, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey Nos.871/2, 871/4, Paithur Village, Attur Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 to R8 before us. To be noted, R5 to R8 are private respondents.

4. 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, main WP was taken up.

5. It was submitted by learned Government Advocate that G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 has been put in place, wherein and whereby Divisional Monitoring Committee, District Monitoring Committee



W.P.No.37618 of 2024

and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system qua Government lands.

6. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by the Revenue Divisional Officer, Attur Town, Salem District qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R5 to R8) before taking a call. To be noted, all the rights and contentions of alleged encroacher are preserved for being raised before the Committee concerned which shall consider the same on its own merits and in accordance with law untrammelled by this proceedings in this Court.



W.P.No.37618 of 2024

8. The Divisional Monitoring Committee qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroachers). The entire exercise shall be completed within a period of twelve weeks from today i.e., by 18.04.2025.

9. It is open to the WP petitioner and/ or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there are any change of circumstances.

10. 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 on facts and it is for the Divisional Monitoring Committee 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, if there is any encroachment in public land.



W.P.No.37618 of 2024

11. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

24.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking order

*mk*

To

1. The District Collector  
Salem.
2. The Revenue Divisional Officer  
Attur Town  
Salem.
3. The Tahsildar  
Attur Town  
Salem.
4. The Block Development Officer  
Attur Town  
Salem.

Page Nos.6/7



WEB COPY



*W.P.No.37618 of 2024*

**M.SUNDAR, J.,  
and  
K.RAJASEKAR, J.,**

*mk*

**W.P.No.37618 of 2024**

**24.01.2025**

Page Nos.7/7