



W.P.No.38848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

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

W.P.No.38848 of 2024

Subban

... Petitioner

VS

1. The District Collector
Kallakurichi
Kallakurichi District
2. The District Revenue Officer
Kallakurichi
Kallakurichi District
3. The Block Developmental Officer
Sangrapuram Taluk
Kallakurichi
4. The Tahsildar
Vannapuram
Kallakurichi District
5. The Revenue Inspector
Vada Ponnparapi
Kallakurichi District
6. The Village Administrative Officer
Brahmagundam
Kallakurichi

Page Nos.1/8



W.P.No.38848 of 2024

7. The Engineer
National Highways
Sangarapuram
Kallakurichi

8. Thiru.A.Elumalai
Panchayat President
Brammagundam Village
Kallakurichi

9. Mrs.Saritha
W/o.Govindhan
Ward Representative
Brammagundam
Kallakurichi

10.Mr.Mayavan
S/o.Kannan
The Chief Trustee (Dharmakartha) of Om Shakthi Temple
Colony Street, Brahmagundam
Kallakuruchi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove the encroachment made by the 10th respondent along with some villagers in the survey number 3/2 to the extent of 33.5 ares which is Pattai Poramboke land belongs to Government in consideration of representations submitted by the petitioner dated 28.08.2024 and 11.09.2024 to respondents within a time frame to be fixed by this Court.



W.P.No.38848 of 2024

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.T.K.Saravanan
Govt. Advocate for R1 to R7

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].

2. Mr.S.Nedunchezhiyan, learned counsel on record for writ petitioner is before us.

3. Adverting to representations dated 28.08.2024 and 11.09.2024, Mr.S.Nedunchezhiyan, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey Number 3/2 to the extent of 33.5 ares, which is Pattai Poramboke land belongs to Government' [hereinafter 'said land' for the sake of convenience and clarity] by R8 to R10 before us. To be noted, R8 to R10 are private respondents.



W.P.No.38848 of 2024

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R7) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R8 to R10.

5. Issue notice to official respondents i.e., R1 to R7.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R7.

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, main WP was taken up.

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



W.P.No.38848 of 2024

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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 Revenue Divisional Officer, Kallakurichi, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. 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 (R8 to R10) before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroachers and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroachers 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, within a period of twelve weeks from today i.e., by 27.03.2025.



W.P.No.38848 of 2024

WEB COPY

11. 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).

12. 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.

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 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.38848 of 2024

14. 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.)
02.01.2025

Index : Yes / No
Neutral Citation : Yes / No
gpa

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Sangarapuram
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Kallakurichi

Page Nos.7/8



WEB COPY



W.P.No.38848 of 2024

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

gpa

W.P.No.38848 of 2024

02.01.2025

Page Nos.8/8