



W.P. No.39386 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

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

W.P.No.39386 of 2024

S. Jayanthan

Petitioner

Vs.

1. The District Collector
Vellore District
Sathuvachari
Vellore 632 009

2. The Revenue Divisional Officer
Gudiyatham
Vellore District 632 602

3. The Tahsildar
K.V. Kuppam Taluk
Vellore District 632 201

4. A. Yelmainathan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to forthwith remove the encroachment of the fourth respondent in S.No.412-1, Pasumathur Village, K.V. Kuppam, Vellore District and to restore the same to its old position by removing the structures and fencing in the said land within a time frame.

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For petitioner : Mr. N.K. Ponraj
For RR 1 to 3 : Mr. M.S. Arasakumar
Government Advocate

ORDER

[made by M.SUNDAR, J.]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Mr. N.K. Ponraj, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 18.06.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in S.No.412-1, Pasumathur Village, K.V. Kuppam, Vellore District [hereinafter 'said land' for the sake of convenience and clarity] by R4 before us. To be noted, R4 is a private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (RR 1 to 3) and putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, R4.

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5. Issue notice to official respondents, *i.e.*, RR 1 to 3.

6. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 3.

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 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.

9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee



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headed by R2 (Revenue Divisional Officer, Gudiyatham) *qua* 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 encroacher (R4) 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 encroacher and therefore, this safety valve is put in place. 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 their own merits and in accordance with law untrammelled by this proceedings in this Court.

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



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encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher) within a period of 12 weeks from today *i.e.*, by 02.04.2025.

12. It is open to the writ 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 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 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.

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.)
08.01.2025

cad

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M.SUNDAR, J.

and

K.RAJASEKAR, J.

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To

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