



WEB COPY

W.P.No.44177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.44177 of 2025

Arumugam
S/o.Chinnapaiyan

... Petitioner

vs.

1. The District Collector
District Collector Office,
Tiruvannamalai.
2. Area Development Officer
Regional Development Department
Kalasapakkam, Tiruvannamalai.
3. The Executive Officer
Taluk Office,Kalasapakkam
Tiruvannamalai.
4. Rajan
S/o.Subban
5. Jayamurthy
S/o.Subban
6. Kumar
S/o.Sankar

... Respondent

Writ Petition filed under Article 226 of the Constitution of India



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seeking a Writ of Mandamus, directing the respondent Nos.1 to 3 to consider the villagers' representation dated 27.06.2025.

For Petitioner : Mr.Ramachandran .S
For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 and R3
Mr.R.Sasikumar,
Government Advocate, for R2
Mr.T.Shanmugam, for R4 to R6

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

When the matter was taken up for hearing on 07.04.2026, the writ petition was dismissed as withdrawn on the basis of the endorsement made by the learned counsel for the petitioner.

2. However, the petitioner has circulated a letter on 27.03.2026 to the Registry, denying the very factum of filing of the writ petition before this Court. Hence, the matter was directed to be listed under the caption 'FOR BEING MENTIONED' today (09.04.2026) on the basis of the letter of the petitioner. Since the earlier order dated 07.04.2026 has not been signed by us, recall/review of the earlier order dated 07.04.2026 does arise at all, in terms of the judgment of the Hon'ble Apex Court, in the case of ***Kushalbhai Ratanbhai Rohit vs. State of Gujarat***, reported in **(2014) 9 SCC 124**. The matter is being heard and disposed of today in the

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presence of the respective parties including the petitioner in person.

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3. The writ of mandamus has been instituted to direct the respondents 1 to 3 to consider the representation submitted by the Villagers on 27.06.2025 and pass further orders. The representation submitted would show that few persons have encroached upon the Government lands and a complaint has been filed seeking removal of those encroachments.

4. In view of the complaint letter given by the petitioner to the Assistant Registrar, High Court, Madras, he was called upon to be present before this Court to explain his position. The petitioner, Mr.Arumugam along with 4th respondent (Rajan) and 5th respondent (Jayamurthy) is present before this Court. The petitioner is accompanied by the respondents 4 and 5 against whom the complaint has been made.

5. This Court examined the petitioner. He denied his signature in the sworn affidavit filed in support of the petition. However, Ms.Valarmathi, Advocate, would submit that she belongs to a nearby village of the petitioner and she knows him and based on the instructions of one Annadurai and on receipt of Vakalatnama, the writ petition came to be filed.



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6. During the course of examination, this Court was able to form an opinion that the respondents 4, 5 and 6 are encroachers and that they made an attempt to compromise the issue by influencing the writ petitioner. Thus, this Court is inclined to deal with the issue by exercising suo-motu powers in the public interest and to ensure that the encroachers on public property are removed and that the Government lands are utilised for public purpose. Encroachments on public property infringe public rights, since the Government lands belong to the people. That apart, it is brought to the notice of this Court that the land is classified as Harijan Natham. All these lands are to be regulated by the Government in accordance with the Revenue Standing Orders and encroachments shall not be allowed under any circumstances.

7. In view of the facts and circumstances, the District Collector is directed to personally conduct an enquiry and issue suitable instructions to the subordinate authorities for removal of encroachments on Government lands by following the procedures as contemplated under the relevant Statutes and Rules in force. The District Collector shall instruct the authorities to ensure that the proceedings are conducted after affording an



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opportunity to the encroachers.

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8. During the course of the enquiry and inspection, if the authorities find that the petitioner is also an encroacher along with respondents 4, 5 and 6, all such encroachments in the locality shall be removed and the public lands shall be resumed and utilised for public purposes.

9. The said exercise is directed to be completed within a period of four months from the date of receipt of a copy of this order. The action taken regarding the removal of encroachments shall be communicated to the Registrar (Judicial), High Court, Madras by the District Collector by way of a report.

10. With the above directions, the Writ Petition stands disposed of.
No costs.

List this matter under the caption “for reporting compliance” after receipt of the report.

(S.M.S.,J.) (K.S.,J.)
09.04.2026

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

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To

1. The District Collector
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2. The Area Development Officer
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Kalasapakkam
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3. The Executive Officer
Taluk Office
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4. The Registrar (Judicial)
High Court, Madras.



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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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