



W.P(MD)No.29093 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.12.2023

CORAM :

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

W.P(MD)No.29093 of 2023
and W.M.P.(MD)No.25145 of 2023

J.Sundarrajan

... Petitioner

vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Regional Office,
National Highways,
Project Implementation Unit,
2nd and 3rd Floor, Vijayakrishna Plaza,
Madurai.
- 3.The Divisional Manager,
National Highways,
Madurai.
- 4.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Madurai.
- 5.The District Revenue Officer,
Madurai District, Madurai.



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6.The Headquarters Deputy Tahsildar,
Office of the Tahsildar,
Vadipatti Taluk,
Madurai District.

7.The Tahsildar,
Vadipatti Taluk,
Madurai District.

8.The Technical Manager,
Office of the District Land Survey,
Madurai.

9.The Assistant Divisional Engineer,
Construction and Maintenance,
Vadipatti Taluk,
Madurai District.

10.The Block Development Officer,
Neerethan Village,
Vadipatti Taluk,
Madurai District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made in S.Nos.7 and 8 of Neerethan Village, Vadipatti Taluk, Madurai District, within the time frame fixed by this Honourable Court.

For Petitioner : Ms.J.Padmavathi Devi

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 & R4 to R10.



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ORDER

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[Order of the Court was made by **M.SUNDAR, J.**]

Captioned main 'Writ Petition' ('WP' for the sake of brevity) has been filed in this Court on 06.12.2023 with a mandamus prayer.

2. Factual matrix in a nutshell is that captioned WP has been filed as a 'Public Interest Litigation' ('PIL' for the sake of brevity); that the subject matter is alleged encroachment in 'Survey Nos.7 and 8 of Neerathan Village, Vadipatti Taluk, Madurai District' (hereinafter 'said land' for the sake of convenience and clarity); that it is a case of PIL petitioner that said land was originally intended to be made part of NH-7 (to be noted, NH stands for 'National Highway') from Varanasi to Kanyakumari; that it was subsequently dropped which is evident from a reply to queries under 'the Right to Information Act, 2005' ('RTI' Act for the sake of brevity).

3. In the Admission Board today, Ms.J.Padmavathi Devi, learned counsel for WP petitioner reiterated the above facts and drew our attention to RTI queries of WP petitioner being RTI queries dated



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06.12.2022, bearing reference ந.க.எண்.ஆ2/7907/2022 and RTI reply dated 28.12.2022 bearing reference க.எண்.3536/2022/அ2.

4. Adverting to RTI reply dated 28.12.2022, learned counsel submitted that the Public Information Officer being Divisional Engineer (Highways), Construction and Maintenance, Madurai -2 has replied saying that initial efforts are underway for taking steps for removal of alleged encroachment in said land.

5. Issue notice.

6. Mr.P.Thilak Kumar, learned Government Pleader accepts notice for respondents 1 and 4 to 10.

7. Considering the limited scope of the captioned WP and the trajectory the matter took before us (to be noted, the trajectory the matter took will be evident from what is set out infra) with the consent of both sides, main WP was taken up.



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8. It was submitted by learned Government Pleader 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 headed by Revenue Divisional Officer (RDO), Madurai 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 lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers before taking a call. In this regard, we are acutely conscious that alleged encroachers are not before this Court and therefore, this safety valve is put in place.



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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). The question as to whether said land is part of NH-7 or the proposal itself was dropped is left open as it turns on facts and the Divisional Monitoring Committee shall take a call on the same also.

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

13. We make it clear that we are not expressing 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.



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14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
11.12.2023

Index : Yes/No
Neutral Citation : Yes/No
vsm

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