



WEB COPY



W.P. No. 909 of 2021

IN THE HIGH COURT OF JUDICATRE AT MADRAS

DATED: 28.06.2024

CORAM

THE HON'BLE MR. JUSTICE M. SUNDAR

AND

THE HON'BLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.909 of 2021

&

W.M.P.Nos. 994 & 7794 of 2021

K. Vijayasankar

..Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram – 638 001.
2. The Tahsildar,
Alandur Taluk,
Alandur, Chennai.
3. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

4. The Executive Officer,

<https://www.mhc.tn.gov.in/judis>



WEB COPY



W.P. No. 909 of 2021

A/m Alavattamman Temple
Sannathi Street,
Anakaputhur,
Chennai – 600 070
Having Office at :
A/m. Thirusulanathar Thirukoil,
Thirisulam, Chennai – 600 043.

5. The Commissioner,
Anakaputhur Municipality,
Chennai – 600 070

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 2 to remove the encroachment and illegal construction of Mandapam put up by the 3rd and 4th respondents and also the 5th respondent on the public road in Sannathy Street and Nara Chandu Public Lane, Anakaputhur, Chennai – 600 070 by considering the petitioner's representation dated 16.10.2020.

For Petitioner :: Mr.V.S. Jagadeesan

For Respondents :: Mr.P. Balathandayutham
Special Government Pleader for
R1 & R2
Mr.N.R.R. Arun Natarajan
Special Govt. Pleader for R3
Mr.Wilson for
M/s. A.S. Kailasam & Associates
for R4
Mr.L.P. Maurya,
Standing Counsel for R5
(Municipality)



W.P. No. 909 of 2021

(Made by **M. SUNDAR,J.**)

WEB COPY This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity] and captioned 'Writ Miscellaneous Petitions' ['WMPs' for the sake of brevity].

2. Mr.V.S. Jagadeesan, learned counsel for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 16.10.2020, learned counsel submitted that there is alleged encroachment on the 'public road in Sannathy Street and Nara Chandu Public Lane, Anakaputhur, Chennai – 600 070' [hereinafter 'said land' for the sake of convenience and clarity] by R3 to R5. To be noted, R3 is 'The Commissioner, Hindu Religious and Charitable Endowments Department, Nungambakkam, Chennai – 600 034,' R4 is 'The Executive Officer, Arulmigu Alavattamman Temple, Sannathi Street, Anakaputhur, Chennai – 600 070' and R5 is 'The Commissioner, Anakaputhur Municipality, Chennai – 600 070'.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by giving direction to official respondents (R1 to R5).

5. Mr.P. Balathandayutham, learned Special Government Pleader

for R1 and R2, Mr. N.R.R. Arun Natarajan, learned Special Government



W.P. No. 909 of 2021

Pleader for R3, Mr.Wilson, learned counsel appearing on behalf of M/s. A.S. Kailasam and Associates [Law Firm] for R4 and Mr.L.P. Maurya, learned Standing Counsel for R5 are before this Court.

6 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.

7. It was submitted by learned Special 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.

8. 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), Chennai South in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

9. In the drill that is to ensue before the Committee, the Executive Officer of Arulmigu Alavattamman Temple, Sannathi Street, Anakaputhur, Chennai – 600 070, having office at Arulmigu Thirusulanathar Thirukoil,



W.P. No. 909 of 2021

Thirisulam, Chennai – 600 043 will not be a party owing to earlier judicial order made by another Honourable Division Bench in W.P. No. 30048 of 2012 which has also been filed by the same writ petitioner as regards the same issue. To be noted, paragraph No.4 of the judicial order dated 10.01.2013 in W.P. No. 30048 of 2012 and M.P. No. 1 of 2012 reads as follows:

‘4. When the matter came up for admission today, learned Government Pleader representing the State submitted that the proposal to construct Mandapam in the 6th respondent Temple building objected by the petitioner, has been dropped. He also placed the communication dated 03.12.2012 made by the Executive Officer, HR & CE Department to that effect.’

10. This Court, vide earlier order dated 19.01.2021 had directed respondents 2 and 5 (The Tahsildar, Alandur Taluk, Alandur, Chennai and The Commissioner, Anakaputhur Municipality, Chennai – 600 070) to inspect what according to the writ petitioner is a public road and a report has been requisitioned.

11. It is open to respondents 2 and 5 to do the same and place a report also before the Committee.

<https://www.mhc.tn.gov.in/judis> 12. An implead petition has been taken out by writ petitioner with a



W.P. No. 909 of 2021

prayer to accept one R. Rajalingam, who has been described as Proprietor of Murugan Flour Mill, No.17, Patti Street, Anakaputhur, Chennai – 600 070 s 6th respondent alleging that 6th respondent is also an encroacher qua what according to writ petitioner is public road. Now, in the ensuing drill before the Committee, this R. Rajalingam will also be put on notice and he will also be given an opportunity. ***With this observation, W.M.P. No. 7794 2021(implead petition) is closed.***

13. In the light of the narrative thus far, 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. To be noted, all the rights and contentions of alleged encroachers is 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.

14. 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



W.P. No. 909 of 2021

which again shall be after giving adequate and ample opportunity to alleged encroachers).

15. It is open to 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 are any change of circumstances.

16. 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.

17. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned WMP thereat i.e., W.M.P. No. 994 of 2021 is closed. There shall be no order as to costs.

nv

(M.S.J.) (K.G.T.J.)
28.06.2024

M. SUNDAR,J.

AND

K. GOVINDARAJAN THILAKAVADI,J.

nv



W.P. No. 909 of 2021

1. The District Collector,
Kancheepuram District,
Kancheepuram – 638 001.

2. The Tahsildar,
Alandur Taluk,
Alandur, Chennai.

W.P. No. 909 of 2021

3. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

4. The Executive Officer,
A/m Alavattamman Temple
Sannathi Street,
Anakaputhur,
Chennai – 600 070
Having Office at :
A/m. Thirusulanathar Thirukoil,
Thirisulam, Chennai – 600 043.

5. The Commissioner,
Anakaputhur Municipality,
Chennai – 600 070.

6. The Revenue Divisional Officer,
Chennai South.

28.06.2024