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W.P. No. 3442 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.3442 of 2021

K. Mumthaj

..Petitioner

Vs.

1. The District Collector,
Office of District Collector,
Tiruppur District.
2. The Sub Collector,
Office of Sub Collector,
Dharapuram,
Tiruppur District.
3. The Tahsildar,
Dharapuram Taluk,
Dharapuram,
Tiruppur District.
4. The Block Development Officer,
Dharapuram,
Tiruppur District.
5. The Village Administrative Officer,
Chitravuthanpalayam Village,
Dharapuram Taluk,
Tiruppur District.



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6. The President,
Goundachipudur Panchayat,
Dharapuram Taluk,
Tiruppur District.

7. Mrs. Selvi

8. Velusamy ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment on panchayat road of 6th respondent Panchayat near petitioner's house site in R.S. No. 430/2A in Chitravuthanpalayam Village of Dharapuram Taluk in Tiruppur District by considering petitioner's representation dated 17.10.2020.

For Petitioner :: Mr.S. Marisingh

For Respondents :: Mr.P. Balathandayutham
Special Government Pleader for
R1 to R5
Mr.S.V. Durai for R6 & R7

ORDER

(Made by M. SUNDAR,J.)

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

<https://www.mhc.tn.gov.in/judis> 2. When captioned matter was last listed on 21.06.2024, the



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following order was made:

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‘There is no representation for writ petitioner, however, with the intention of giving opportunity to writ petitioner and learned counsel for writ petitioner, Registry to list this matter again one week hence.

2. *List on 28.06.2024.’*

3. Today, Mr.S. Marisingh, learned counsel for writ petitioner, who is before us is neither aware of the aforesaid order nor expressed any regret or remorse. However, in the interest of litigant, we take up the matter.

4. Adverting to a representation from the writ petitioner dated 17.10.2020, learned counsel submitted that there is alleged encroachment in ‘R.S. No. 430/2A in Chitravuthanpalayam Village of Dharapuram Taluk in Tiruppur District’ [hereinafter ‘said land’ for the sake of convenience and clarity] by R7 and R8. To be noted, R7 and R8 are private respondents.

5. 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) and putting in a safety valve / adequate protection qua private respondents i.e., R7 and R8.

6. Mr.P. Balathandayutham, learned Special Government



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Pleader for R1 to R5 and Mr. S.V. Durai, learned counsel for R6 and R7 are before this Court. To be noted, R7 has been arrayed as a party in her official capacity also as President of Goundachipudur Panchayat (R6).

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 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.

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), Dharapuram 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



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Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers R7 and R8 before taking a call. In this regard, we are acutely conscious that the matter is being disposed of without notice to the alleged encroacher R8 and therefore, this safety valve is put in place. 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.

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 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.

<https://www.mhc.tn.gov.in/judis> 13. We make it clear that we have not expressed any view or opinion



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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.

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.G.T.J.)
28.06.2024

nv

To

1. The District Collector,
Office of District Collector,
Tiruppur District.
2. The Sub Collector,
Office of Sub Collector,
Dharapuram,
Tiruppur District.
3. The Tahsildar,
Dharapuram Taluk,
Dharapuram,
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4. The Block Development Officer,
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5. The Village Administrative Officer,



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Chitravuthanpalayam Village,
Dharapuram Taluk,
Tiruppur District.

6. The Revenue Divisional Officer,
Dharapuram.

M. SUNDAR,J.

AND

K. GOVINDARAJAN THILAKAVADI,J.

nv



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