



W.P.No.4879 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.4879 of 2021

Thamarai

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Coimbatore – 18.

2.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 01.

3.Kamala

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to remove the encroachment made by the third respondent in common passage at AD Colony, Peelamedu, Coimbatore District based on the petitioner's representation dated 06.01.2021 within the time to be stipulated by this Court.



W.P.No.4879 of 2021

For Petitioner : Ms.S.Rithika
for Mr.M.Vijayaragavan

For Respondents : Mr.P.Balathandayutham,
Spl. Govt. Pleader for R1
Mr.G.Narendiran
for Mr.K.Magesh for R2
No appearance for R3

ORDER

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

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

2. Ms.S.Rithika, learned counsel representing Mr.M.Vijayaragavan, learned counsel on record for writ petitioner, Mr.P.Balathandayutham, learned Special Government Pleader for R1 and Mr.G.Narendiran, learned counsel representing Mr.K.Magesh, learned standing counsel for R2 are before us.

3. Adverting to representation from the writ petitioner dated 06.01.2021, learned counsel submitted that there is alleged encroachment in 'public pathway at AD Colony, Peelamedu,



W.P.No.4879 of 2021

Coimbatore District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 before us. To be noted, R3 is a private respondent.

4. 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.

5. 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.

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



W.P.No.4879 of 2021

WEB COPY

7. 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 (R3) before taking a call. In this regard, we are acutely conscious that there is no representation for the alleged encroacher either in the physical Court or on VC (video conferencing) platform (to be noted, this is a hybrid hearing which is a regular/routine/daily feature in this Court) 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 its own merits and in accordance with law untrammelled by this proceedings in this Court.

8. 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



W.P.No.4879 of 2021

removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher).

9. It is open to the WP 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.

10. 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.

11. 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.)
19.07.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi



W.P.No.4879 of 2021

To

1. The District Collector,
District Collector Office,
Coimbatore – 18.
2. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 01.
3. The Revenue Divisional Officer,
Coimbatore.



WEB COPY



W.P.No.4879 of 2021

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

W.P.No.4879 of 2021

19.07.2024

Page Nos.7/7