



W.P.No.10871 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.10871 of 2021
and
W.M.P. No.11506 of 2021 in W.P. No.10871 of 2021

A.Heera

... Petitioner

VS

- 1.The District Collector,
Dharmapuri District, Dharmapuri – 636 705.
- 2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri – 636 701.
- 3.The Revenue Divisional Officer,
Harur, Dharmapuri District – 636 904.
- 4.The Thasildar,
Pappireddypatty,
Dharmapuri District – 636 905.
- 5.The Assistant Executive Engineer (PWD)
Irrigation Division,
Vaniyar Reservoir Project (Division 1)
Pappireddypatty,
Dharmapuri District – 636 905.



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6.The Executive Engineer,
The Tamil Nadu Electricity Board,
Pappireddypatty,
Dharmapuri District – 636 905.

7.The District Superintendent of Police,
Dharmapuri,
Dharmapuri District – 636 905.

8.The Inspector of Police,
Land Grabbing Cell,
Dharmapuri,
Dharmapuri District – 636 701.

9.S.Ravi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 4 to depute the concerned Surveyor to Survey the land to an extent of 0.80 acres in R.S.No.324/C at Mullaikaddu Village, Pappireddypatty Taluk, Dharmapuri District by metes and bounds in the presence of the petitioner and to remove the illegal encroachments put up by the 9th respondent and by considering the representation of the petitioner dated 04.11.2020.

For Petitioner : Ms.S.Manisha
for Mr.B.Sundarapandiyan

For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R5, R7 and R8
No appearance for R6 and R9



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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.Manisha, learned counsel representing the learned counsel for writ petitioner and Mr.M.S.Arasa Kumar, learned Government Advocate for R1 to R5, R7 and R8 are before us.

3. Adverting to representation from the writ petitioner dated 04.11.2020, learned counsel for writ petitioner submitted that there is alleged encroachment in 'the land measuring an extent of 0.80 acres in R.S.No.324/C at Mullaikaddu Village, Pappireddypatty Taluk, Dharmapuri District' [hereinafter 'said land' for the sake of convenience and clarity] by R9 before us. To be noted, R9 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.



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

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 (R9) before taking a call. In this regard, we are



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acutely conscious that there is no representation for the alleged encroacher viz., R9 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 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.



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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. Consequently, captioned Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
05.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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Dharmapuri District – 636 701.



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and
K.RAJASEKAR, J.,**

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