



WEB COPY

W.P.No.13756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.13756 of 2024

O.P.Arumugam
S/o.Palani

... petitioner

Vs.

1. The District Collector
Collector Office
Salem District.
2. The Assistant Director of Panchayats
Assistant Directorate Salem Region
Salem District.
3. Tahsildar
Sankagiri Taluk
Salem District.
4. The Executive Officer
Sankagiri Town Panchayat
Panchayat Office Raod,
Sankagiri TK
Salem District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to remove the entire illegal encroachments in the Government land Pond (Kosavan / Vannan Kuttai) comprised in Survey No.170 and its Sub-Divisions of Sankagiri Village and Taluk and Salem District.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.T.K.Saravanan

Government Advocate for R1 to R3

Mr.V.Nanmaran

Additional Government Pleader

For R4

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. Mr.P.Muthusamy, learned counsel on record for writ petitioner is before us.

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3. Adverting to a representation from the writ petitioner dated 23.01.2024, learned counsel submitted that there is alleged encroachment in 'land at Survey No.170 and its Sub-Divisions of Sankagiri Village and Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by some individuals, who have not been made parties to this writ petition.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to (official) respondents and putting in a safety valve / adequate protection qua alleged encroachers.

5. Issue notice to respondents.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for respondents 1 to 3. Mr.V.Nanmaran, learned Additional Government Pleader accepts notice for R4.



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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 Government Advocate 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), Sankagiri, Salem, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.



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10. 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 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. To be noted, all the rights and contentions of alleged encroachers 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.

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).



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12. 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.

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.

15. 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.)

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Index : Yes

Speaking

Neutral Citation : Yes

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5. The Revenue Divisional Officer,
Sankagiri, Salem District.



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