



W.P.No.9273 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

W.P.No.9273 of 2021

J.Easwari
W/o.Jagadeesan

... Petitioner

Vs.

1. The District Collector
Office of the District Collector
Nallapalayam Post
Namakkal.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Office
Mohanur Road
Namakkal.
3. The Tahsildar
Rasipuram Circle
Rasipuram Taluk
Namakkal District.
4. The Assistant Director
Town Panchayat
Office of the District Collector
Salem.

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5. The Executive Officer
Athanur Town Panchayat
Rasipuram Taluk
Namakkal District.

6. M.Dhanasekaran
S/o.Muthu

7. K.Kumarasamy
S/o.Late Kandasamy

... Respondents

R7 impleaded vide order dated 29.04.2024 in
W.M.P.No.26808 of 2022 in W.P.No.9273 of 2021

Prayer :

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to
initiate appropriate action to remove the encroachment made by the 6th
respondent in the street, located at S.No.36, Athanur Village, Rasipuram
Taluk, Namakkal District.

For Petitioner	:	Mr.E.P.Senniyanigiri
For Respondents	:	Mr.M.S.Arasakumar Government Advocate for R1 to R5 Mr.R.P.Muthusamy, for R7



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ORDER

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[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.E.P.Senniyangiri, learned counsel on record for writ petitioner is before us.

3. Learned counsel for writ petitioner submitted that there is alleged encroachment in a 'street, located at S.No.36, Athanur Village, Rasipuram Taluk, Namakkal District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 and R7 before us. To be noted, R6 and R7 are private respondents.

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 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

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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), Namakkal 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 encroachers (R6 and R7) before taking a call. 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.



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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 encroachers).

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. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.



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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.R.S.,J.)
10.12.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
mk

To

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M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

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