



WEB COPY



W.P.No.12320 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.12320 of 2021

M.Sugumar

... Petitioner

Vs.

1.The District Collector
Thiruvallur District
Thiruvallur.

2.The Thasildar
Poonamallee Taluk
Thiruvallur District.

3.The Block Development Officer
Poonamallee Panchayat Union
Poonamallee
Thiruvallur District.

4.Muniyappan

5.Meenatchi
[R4 & R5 suo motu impleaded vide order
dated 04.06.2021 in WP.No.12320 of 2021]

... Respondents

Page Nos.1/8



W.P.No.12320 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to carry out corrections in the revenue records and FMB sketch with regard to the width of the road from 14 feet to 16 feet in Survey No.6 of Goparasanallur Village, Poonamallee Taluk, Thiruvallur District and consequently direct the respondents to remove the encroachments thereon.

For Petitioner : Ms.Arularasi

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
for R1 to R3
R4 - No appearance

ORDER

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

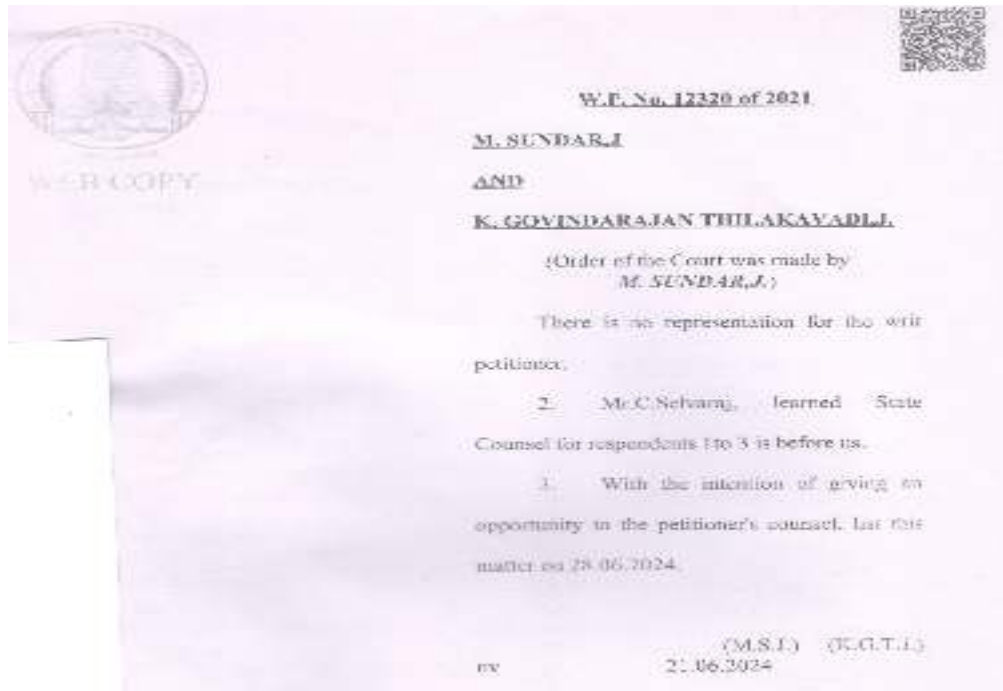
This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Ms.P.Arularasi, learned counsel on record for writ petitioner is before us. After the previous proceedings made in the listing on 21.06.2024 was brought to the notice of learned counsel for petitioner (learned counsel was unaware of the proceedings dated 21.06.2024 which was duly uploaded in the official website), the learned counsel expressed regret for missing the



W.P.No.12320 of 2021

matter. However, the matter was taken up in the interest of the litigant/petitioner. A scanned reproduction of the proceedings dated 21.06.2024 in the official website read as follows :



3. Adverting to a representation from the writ petitioner dated 12.01.2021, learned counsel submitted that there is alleged encroachment in 'Survey No.6 of Goparasanallur Village, Poonamallee Taluk, Thiruvallur District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 and R5 before us. To be noted, R4 and R5, who are private respondents are the alleged encroachers. The encroachment is a public road.



W.P.No.12320 of 2021

4. To be noted, the Hon'ble Predecessor Division Bench vide proceedings made in the listing on 04.06.2021, had directed joint inspection by R2 and R3 after giving notice to the petitioner, R4 and R5. We are informed by both sides that the joint inspection has since been done and report is ready. The report will now be placed before the District Monitoring Committee.

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 R3) and putting in a safety valve / adequate protection qua private respondents i.e., R4 and R5.

6. Mr.C.Selvaraj, learned Additional Government Pleader appearing for R1 to R3 is before us. To be noted, vide proceedings dated 04.06.2021, notice has been ordered to private respondents (R4 and R5). While R4 has been duly served, notice to R5 was returned with postal endorsement 'unclaimed'.

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.



W.P.No.12320 of 2021

8. Learned counsel for writ petitioner has referred to G.O.Ms.No.540

Revenue Department dated 04.12.2014 but it is brought to our notice that this G.O.Ms.No.540 has been referred to in G.O.Ms.No.64 Revenue and Disaster Management Department, Land Disposal Wing dated 08.02.2022.

9. It was submitted by learned Additional 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.

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

11. 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



W.P.No.12320 of 2021

opportunity is given to persons concerned more particularly alleged encroachers (R4 and R5) 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.

12. 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).

13. It is open to the 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.

14. 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.



W.P.No.12320 of 2021

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.)

28.06.2024

Index : Yes

Speaking

Neutral Citation : Yes
ds

To

1.The District Collector
Thiruvallur District
Thiruvallur.

2.The Thasildar
Poonamallee Taluk
Thiruvallur District.

3.The Block Development Officer
Poonamallee Panchayat Union
Poonamallee
Thiruvallur District.



WEB COPY



W.P.No.12320 of 2021

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

ds

W.P.No.12320 of 2021

28.06.2024

Page Nos.8/8