



W.P.No.19012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.19012 of 2024

D.Suresh Kumar
S/o.Mr.Damodaran

... petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary
Department of Revenue (Land Development)
Fort St.George
Chennai-600 009.
2. The District Collector
Chengalpattu District
Chengalpattu - 606 202.
3. Revenue Divisional Officer (RDO)
Maduranthakam Taluk
Maduranthakam
Chengalpattu District - 606 202.
4. Block Development Officer (BDO)
Maduranthakam Panchayat Union
Maduranthakam

Page Nos.1/8



W.P.No.19012 of 2024

Chengalpattu District - 606 202.

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5. The Tahsildar
Maduranthakam Taluk
Maduranthakam
Chengalpattu District - 606 202.
6. Head Surveyor
Maduranthakam Taluk
Maduranthakam
Chengalpattu District - 606 202.
7. Dahanalakshmi
W/o.Mr.Jayaraman
8. J.Ambedkar
W/o.Mr.Jayaraman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 6th respondent survey the land in Old S.No.247/4, New Survey No.335/3 and direct the respondents 1 to 6 to laid the pacca road in existing dirt and sand road and to remove the compound wall encroached in Old S.No.247/4, New Survey No.335/3 in Periya Venmani Village, Madurantakam Taluk, Chengalpattu District as per representations dated 03.05.2018 and 02.05.2023.

For Petitioner	:	Mr.B.Senthil Kumar
For Respondents	:	Mr.P.Balathandayutham Special Government Pleader for R1 to R3, R5 and R6 Mr.G.Nanmaran Special Government Pleader for R4



W.P.No.19012 of 2024

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.B.Senthilkumar, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 03.05.2018 and 02.05.2023, learned counsel submitted that there is alleged encroachment in 'Old S.No.247/4, New Survey No.335/3, Periyavenmani Village, Madurantakam Taluk, Chengalpattu District' [hereinafter 'said land' for the sake of convenience and clarity] by R7 and R8 before us. To be noted, R7 and R8 are private respondents.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents



W.P.No.19012 of 2024

(R1 to R6) and putting in a safety valve / adequate protection qua private respondents i.e., R7 and R8.

5. Issue notice to official respondents i.e., R1 to R6.

6. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for R1 to R3, R5 and R6. Mr.G.Nanmaran, learned Special Government Pleader accepts notice for R4.

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 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



W.P.No.19012 of 2024

point reporting / monitoring system qua Government lands.

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

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 (R7 and R8) before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroachers 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



W.P.No.19012 of 2024

untrammelled by this proceedings in this Court.

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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).

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 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.19012 of 2024

14. 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.)

18.07.2024

Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes/No

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Page Nos.7/8



WEB COPY



W.P.No.19012 of 2024

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

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W.P.No.19012 of 2024

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