



W.P. NO. 11362 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM

THE HON'BLE MR.JUSTICE M. SUNDAR

AND

THE HON'BLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No. 11362 of 2021

&

W.M.P. No. 13242 of 2021

Gokulam Colony Kudiyiruppor Nala Sangam,
represented by its President,
91/123, Gokulam Colony,
Dharapuram, Tiruppur District – 638 657. ..Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Tiruppur.
2. The Assistant Director,
Office of the Assistant Director
(Panchayats),
Thiruppur District.
3. The Sub Collector,
Dharapuram.
4. The Tahsildar,
Dharapuram.



W.P. NO. 11362 of 2021

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5. The Block Development Officer,
Panchayat Union,
Dharapuram.

6. The Panchayat Board President,
Panchayat Union - II State,
Kavundachiputhur.

7. D. Balasubramaniam

8. Rubi

9. Dharmalingam

10. Karumani

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 5th respondent to remove the encroachment made by respondents 7 to 10 on the park 1 in S.No. 301/1 and 301/2 to an extent of 14,000 square feet in No.123, Gokulam Colony, Dharapuram, Tiruppur District – 638 657 in accordance to the proceedings of the 2nd respondent in Na.Ka.No. 471/2020/A4 dated07.2020.

For Petitioner	::	Mr.C. Ramaraj for Mr.M.Guruprasad
For Respondents	::	Mr.A. Selvendran, Special Govt. Pleader for R1 to R4 Mr.R. Neelakandan for R5 Mr.C. Selvaraj Additional Govt. Pleader for R6 No appearance for R7 to R10

ORDER



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W.P. NO. 11362 of 2021

(Made by M. SUNDAR,J.)

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

2. Mr.C. Ramaraj, learned counsel representing Mr.M. Guruprasad, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 02.03.2020, learned counsel submitted that there is alleged encroachment in a 'park situate in Survey Nos.301/1 & 301/2, No.123, Gokulam Colony, Dharapuram, Tiruppur District – 638 657' [hereinafter 'said land' for the sake of brevity, convenience and clarity] by respondents 7 to 10 To be noted, respondents 7 to10 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 (R1 to R6) and putting in a safety valve / adequate protection qua private



W.P. NO. 11362 of 2021

respondents i.e., R7 to R10.

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5. Issue notice to official respondents.

6. Mr.A.Selvendran, learned Special Government Pleader accepts notice for R1 to R4; Mr.R. Neelakandan, learned counsel accepts notice for R5 and Mr.C. Selvaraj, learned Additional Government Pleader accepts notice for R6.

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 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. 11362 of 2021

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), Dharapuram, 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 lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers R7 to R10 before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to the 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. 11362 of 2021

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 writ 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. 11362 of 2021

14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned WMP is closed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
21.06.2024

nv

To

1. The District Collector,
District Collector Office,
Tiruppur.
2. The Assistant Director,
Office of the Assistant Director
(Panchayats),
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3. The Sub Collector,
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4. The Tahsildar,
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5. The Block Development Officer,
Panchayat Union,
Dharapuram.
6. The Panchayat Board President,
Panchayat Union - II State,
Kavundachiputhur.

M. SUNDAR,J.



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W.P. NO. 11362 of 2021

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W.P. No. 11362 of 2021

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