



W.P.No.12115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.12115 of 2024

B.Sagadevan
S/o.Bhagavadam

... petitioner

Vs.

1. The District Revenue Officer
Chengalpet District
Chengalpet - 603 002.

2. The Tahsildar
Madurandagam Taluk
Madurandagam - 603 306.

3. R.Dharuman
S/o.Raghavan

4. T.Karunakaran
S/o.Dharuman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to

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remove the encroachments made by the 3rd respondent Mr.Dharman, S/o.Raghavan in the Government Poramboke land classified as public road comprised in Survey No.31/1, Lakshminarayanapuram Village, Madurandagam Taluk, Chengalpet District, based on the petitioner's representation dated 13.03.2023 made to 1st and 2nd respondents by disposing the same within a time frame.

For Petitioner : Mr.A.Lakshminarasimhan

For Respondents : Mr.A.Selvendran

Special Government Pleader

assisted by Mr.TK.Saravanan

Government Advocate for R1 & R2

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.A.Lakshminarasimhan, learned counsel on record for writ petitioner is before us.



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3. Adverting to a representation from the writ petitioner dated 13.03.2023, learned counsel submitted that there is alleged encroachment in 'Government Cart Track (Vandipathai) poromboke land comprised in S.No.31/1, Lakshminarayanapuram Village, Madurandagam Taluk, Chengalpet District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 and R4 before us. To be noted, R3 and R4 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 & R2) and putting in a safety valve / adequate protection qua private respondents i.e., R3 and R4.

5. Issue notice to official respondents.

6. Mr.A.Selvendran, learned Special Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 and R2.



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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 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.

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), Maduranthagam, 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 lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R3 and R4) 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 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.

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.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To
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3. The Revenue Divisional Officer
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and
K.GOVINDARAJAN THILAKAVADI, J.,

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