



WP.No.15727 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

W.P.No.15727 of 2021

P.Selvakumar

... Petitioner

vs

- 1.The District Collector,
Collectorate of Ariyalur District,
Ariyalur District – 621 704.
- 2.The Thasildhar,
Office of the Jayankondam Taluk,
Jayankondam,
Ariyalur District – 621 802.
- 3.The Block Development Officer,
Office of the Jayankondam Panchayat Union,
Jayankondam,
Ariyalur District – 621 802.
- 4.The President,
Devamangalam Village Panchayat,
Devamangalam Panchayat Office,
Devamangalam,
Ariyalur District – 612 902.
- 5.R.Rajendran

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct respondents 1 to 4 to
take necessary steps to retrieve the "GOVERNMENT LAND" from the
encroachment within a specified period fixed by this Court.

For Petitioner : Mr.M.Vignesh
for Mr.M.Kavikannan

For Respondents : Mr.M.S.Arasakumar,
Govt. Advocate
for R1 to R4
No appearance for R5

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.M.Vignesh, learned counsel representing Mr.M.Kavikannan,
learned counsel on record for writ petitioner and Mr.M.S.Arasakumar,
learned Government Advocate for R1 to R4 are before us.



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3. Adverting to representation from the writ petitioner dated 14.07.2021, learned counsel for writ petitioner submitted that there is alleged encroachment at 'cement road in Survey No.343/9, Devamangalam Village, Udayarpalayam Taluk, Ariyalur District' [hereinafter 'said road' for the sake of convenience and clarity] by R5 before us. To be noted, R5 is a private respondent.

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 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



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to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer (RDO), Udayarpalayam, 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 road. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroacher (R5) before taking a call. In this regard, we are acutely conscious that there is no representation for the alleged encroacher viz., R5 either in the physical Court or on VC (video conferencing) platform (to be noted, this is a hybrid hearing which is a regular/routine/daily feature in this Court) and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroacher 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.

8. The Divisional Monitoring Committee qua G.O.(Ms)No.64,



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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 encroacher).

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 road 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.

11. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. There shall be

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no order as to costs.

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(M.S.,J.) (K.R.S.,J.)
12.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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Udayarpalayam.



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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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