



WEB COPY

W.P.No.14694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

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1. N.Ashok Kumar
S/o.K.Nachimuthu
2. Thiyagarajan
S/o.Kanthan
3. T.R.Parthiban
S/o.Thippan Rajagopal
4. Anbunathan
S/o.Mathu

... petitioner

Vs.

1. The District Collector
Salem District
2. The Sub-Collector
Mettur,
Salem District.
3. Tamil Nadu Housing Board



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Rep. by its Managing Director
No.331, Anna Salai, Nandanam
Chennai-600 034.

4. The Revenue Divisional Officer
Mettur, Salem District.
5. The Thasildar
Mettur, Salem District.
6. The Commissioner
Mettur Municipality
Salem District - 636 401.
7. The Executive Engineer and Administrative
Tamil Nadu Housing Board,
Salem Housing Unit
Salem - 636 011.
8. Dr.Surendar
S/o.Vellaiyan
9. Saravanan
S/o.Sivaraman Krishnan
10. Krishnan
11. Dr.Ramamoorthi ... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents 1 to 7 to
take immediate action for the removal of the encroachment in T.S.No.7/43,
Ward No.29, Block 9, Town Survey Ward 'B' to an extent of 256.96 sq.mt in



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the 80.0 wide road belongs to Tamil Nadu Housing Board Department and Municipality, Mettur Dam, Salem District by considering the representations dated 09.10.2023, 27.12.2023 and 09.02.2024.

For Petitioner : Mr.S.Kousik
For Respondents : Mr.A.Selvendran
Additional Government Pleader
for R1 to R5 and R7
Mr.L.P.Maurya, for R6

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.S.Kousik, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 09.02.2024 learned counsel submitted that there is alleged encroachment in



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'T.S.No.7/43, Ward No.29, Block 9, Town Survey Ward 'B' to an extent of 256.96 sq.mt in the 80.0 wide road' [hereinafter 'said land' for the sake of convenience and clarity] by R8 to R11 before us. To be noted, R8 to R11 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 R7) and putting in a safety valve / adequate protection qua private respondents i.e., R8 to R11.

5. Issue notice to official respondents i.e., R1 to R7.

6. Mr.A.Selvendran, learned Additional Government Pleader accepts notice for respondents 1 to 5 and 7. Mr.L.P.Maurya, learned counsel 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



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was taken up.

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8. 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.

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), Mettur, Salem District, 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



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opportunity is given to persons concerned more particularly alleged encroachers (R8 to R11) 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).

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



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prayer if there are any change of circumstances.

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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
Neutral Citation : Yes

mk



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

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