



WEB COPY

W.P.No.14752 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

W.P.No.14752 of 2024

Chinthamani
W/o.Yavarnan

... petitioner

Vs.

1. The District Collector
Ariyalur District
Ariyalur.
2. The Thasildhar
Ariyalur Taluk & District.
3. The Commissioner
Ariyalur Municipality
Ariyalur District.
4. Sadiq Basha
S/o.Jhoni Bai
5. Ibrahim
S/o.Jhoni Bai



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6. Mohamed Ganif
S/o.Jhoni Bai

7. Marvee Batcha
S/o.Jhoni Bai

8. Abdul Sattar
S/o.Amir Sahib

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove all encroachments made in 21 feet road in SF No.278/7A1A of Ariyalur South, Ariyalur Municipality, Ariyalur District.

For Petitioner	:	Mr.B.Kamadevan
For Respondents	:	Mr.P.Balathandayutham Special Government Pleader for R1 and R2 Mr.L.P.Maurya, Standing Counsel for R3

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

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3. Adverting to a representation from the writ petitioner dated 31.07.2023, learned counsel submitted that there is alleged encroachment in '21 feet road in SF No.278/7A1A of Ariyalur South, Ariyalur Municipality, Ariyalur District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 to R8 before us. To be noted, R4 to 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 (R1 to R3) and putting in a safety valve / adequate protection qua private respondents i.e., R4 to R8.

5. Issue notice to official respondents i.e., R1 to R3.

6. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for R1 and R2. Mr.L.P.Maurya, learned Standing Counsel accepts notice for R3.



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

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

Neutral Citation : Yes

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and
K.GOVINDARAJAN THILAKAVADI, J.,

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