



WEB COPY



W.P.No.15274 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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V.Kandasamy
S/o.Velugounder

... Petitioner

Vs.

1. The District Collector
Office of the Collectorate
Salem District
Salem – 636 001
2. The Tahsildar
Omalur Taluk Office
Salem District
3. The Revenue Inspector
Taramangalam
Salem
4. The Village Administrative Officer
Village Administrative Office
Amarakundhi Village
Salem District
5. Suganeshvaran

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing Respondents 1 to 4 herein to take necessary and immediate action towards petitioner's representation dated 03.11.2023 and consequently remove the encroachment done by the 5th respondent in Survey No.229/4, Amarakunthi Village, Salem.

For Petitioner : Mr.J.Jayan
For Respondents : Mr.A.Selvendran
Special Government Pleader
assisted by Mr.TK.Saravanan
Government Advocate for R1 to R4

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

3. Adverting to a representation from the writ petitioner dated 03.11.2023, learned counsel submitted that there is alleged encroachment in



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'pathway situated in Survey No.229/4, Amarakunthi Village, Salem'
[hereinafter 'said land' for the sake of convenience and clarity] by R5. To be
noted, R5 is private respondent.

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 R4) and putting in a safety valve / adequate protection qua private respondent i.e., R5.

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 to R4.

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.



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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), Mettur 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 encroacher R5 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 encroacher and therefore, this safety valve is put in place. To be



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noted, all the rights and contentions of alleged encroacher is 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 encroacher).

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



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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.)

14.06.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa



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