



WP.No.15666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.15666 of 2024

1. Mr.V.Sudhamani
2. Mr.Chinraj
3. Mr.Krishnasamy

... Petitioners

Vs.

1. The District Collector
District Collector Office
Tiruppur District
2. The District Revenue Officer
District Revenue Office
Tiruppur District
3. The Revenue Divisional Officer
Revenue Divisional Office
Udumalpet
4. The Tahsildar
Tahsildar Office
Udumalpet



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5. Vasanthakumar

6. Kavitha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent to inspect the lands situated at Chinnathu poromboke land, Amaravathi Dam Road, Eastern Division, Udumalpet Taluk as per the proceeding of the 1st respondent in Mu.Mu.No.8373/2024/Aa3 dated 14.05.2024 and remove the encroachment made by the 5th and 6th respondents by considering the representation of the petitioners dated 23.04.2024 within time fixed by this Court.

For Petitioners : Mr.P.Kumarasamy
For Respondents : Mr.A.Selvendran
Special Government Pleader
assisted by Mr.TK.Saravanan
Government Advocate for R1 to R4

Mr.K.Selvaraj for R5 and 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].

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2. Mr.B.Kumarasamy, learned counsel on record for writ petitioners is before us.

3. Adverting to a representation from the writ petitioners dated 23.04.2024, learned counsel submitted that there is alleged encroachment in 'Chinnathu Poramboke land, Amaravathi Dam Road, Eastern Division, Udumalpet Taluk' [hereinafter 'said land' for the sake of convenience and clarity] by R5 and R6. To be noted, R5 and R6 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 R4) and putting in a safety valve / adequate protection qua private respondents i.e., R5 and R6.

5. Issue notice to respondents.

6. Mr.A.Selvendran, learned Special Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4. Mr.K.Selvaraj, learned counsel accepts notice for R5 and R6



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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), Udumalpet 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 R5 and R6 before taking a call. To be noted, all the rights and contentions of alleged encroachers 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 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 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.)

18.06.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa



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