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W.P.No.16336 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.16336 of 2024

S.Akatheswaran

... Petitioner

Vs.

1. The District Collector
Erode
Erode District
2. The District Revenue Officer
Erode District
Erode
3. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Brough Road
Erode-1
4. The Assistant Engineer
Water Resource Department
Lower Bhavani Project (Irrigation)
Chennimalai
Erode District

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5. The Revenue Tahsildar
Modakurichi Taluk
Erode District

6. Murugesan

7. Kulandhasami

8. Visweswaran

9. Kandasamy ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing Respondents 1 to 5 to remove the encroachment made by the respondent Nos.6 to 9 in the LBP Branch Canal and its bund in S.F.No.303/1, 350/1 and lands in S.F.No.303/2 and 303/3 of Arachalur Village, Modakurichi Taluk, Erode District by considering the petitioner representation dated 23.02.2023.

For Petitioner : Mr.S.Arunprasath
For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 to 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.S.Arunprasath, learned counsel on record for writ petitioner is



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before us.

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3. Adverting to a representation from the writ petitioner dated 23.01.2023, learned counsel submitted that there is alleged encroachment in 'bund in S.F.No.303/1, 350/1 and lands in S.F.No.303/2 and 303/3 of Arachalur Village, Modakurichi Taluk, Erode District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 to R9 before us. To be noted, R6 to R9 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 R5) and putting in a safety valve / adequate protection qua private respondents i.e., R6 to R9.

5. Issue notice to official respondents.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R5.



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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), Erode 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

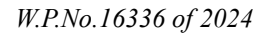


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Committee to examine if there is encroachment qua said lands. The

Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R6 to R9) 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).



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.

(M.S.,J.)
25.06.2024

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

gpa

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