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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.16347 of 2024

Parasuraman ... petitioner

Vs.

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Tahsildar,
Taluk Office, Chengam,
Thiruvannamalai District. ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to take necessary steps to remove the encroachments based on the petitioner's representation dated 28.02.2024 over the writ petition mentioned Cheiyyar river in Survey Nos.32, 20, 109 and “Vellaparai Odai” runs in Survey Nos.360/1, 54/2C and canal runs in Survey Nos.31, 29 of Paramanandal Revenue Village and “Paramanandal Eari”

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in Survey Nos.87,88,229 and Street and Roads of Kottavoor Village in Survey Nos.100, 101, 455, 456, 25, 26, 27, 29, 64/6 and panchayat poramboke land in Survey No.364/2 of Paramanandal Revenue Village, Thiruvannamalai District within a stipulated period and thereby cancel the patta in Survey Nos.20/2A, 20/2B, 20/2C, 20/2D, 20/3A, 20/3B and restore the already earmarked river, Eari, odai, street and road as disclosed in the revenue records to its original status as part of Government's rain water harvesting scheme ad save natural resources.

For Petitioner : Ms.S.Sathiya
for Mr.T.Meganathan

For Respondents : Mr.A.Selvendran,
Spl. Govt. Pleader for R1 & R2

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. Ms.Sathiya, learned counsel representing Mr.T.Meganathan, counsel on record for writ petitioner is before us.

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3. Adverting to a representation from the writ petitioner dated 28.02.2024, learned counsel submitted that there is alleged encroachment in 'lands at Survey Nos.364/2, 64/6 of Paramanandal Revenue Village, water bodies, lands belonging to panchayat, streets and roads of Kottavoor Village and Paramanandal Lake' [hereinafter 'said land' for the sake of convenience and clarity] by some individuals, who have not been made parties to this writ petition.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents and putting in a safety valve / adequate protection qua alleged encroachers.

5. Issue notice to respondents.

6. Mr.A.Selvendran, learned Special Government Pleader accepts notice for both the respondents.

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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), Thiruvannamalai, 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

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ample opportunity is given to persons concerned more particularly alleged encroachers before taking a call. In this regard, we are acutely conscious that alleged encroachers are not before this Court 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 prayer if there are any change of circumstances.

13. We make it clear that we are not expressing any view or

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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.)**
24.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Tahsildar,
Taluk Office, Chengam,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Thiruvannamalai.

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

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