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W.P.No.16784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

**W.P.No.16784 of 2024**

T.Balasubramanian

... petitioner

Vs.

- 1.The District Collector,  
Kancheepuram District,  
Kancheepuram – 631 501.
- 2.The Commissioner of Police,  
Office of the Commissioner of Police,  
Tambaram at Sholinganallur,  
Chennai – 119.
- 3.The Commissioner,  
Kundrathur Municipality,  
Kundrathur, Chennai – 69.
- 4.The Tahsildar,  
Kundrathur Taluk, Kundrathur,  
Kancheepuram District,  
Chennai – 69.
- 5.The Block Development Officer,  
Kundrathur Village, Kundrathur,  
Chennai – 69.

6.N.Kumar

7.K.Chandramohan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Mandamus, to direct the respondents 1 to



W.P.No.16784 of 2024

5 to remove the encroachment viz., huts/shed, compound wall and car etc., in S.No.32/1 (public road), Kundrathur Village, Kundrathur Taluk, Kancheepuram District put up by the 6<sup>th</sup> and 7<sup>th</sup> respondents within a stipulated time.

For Petitioner : Mr.N.Naganathan  
For Respondents : Mr.T.K.Saravanan,  
Govt. Advocate  
for R1 and R3 to R5  
Mr.S.Vinoth Kumar,  
Govt. Advocate (Crl. Side)  
for 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. Mr.N.Naganathan, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 20.02.2024, learned counsel submitted that there is encroachment allegedly in 'S.No.31/1 or 44/1A8, Kundrathur Village and Taluk, Kancheepuram District' [hereinafter 'public road' for the sake of convenience and clarity] by R6 and R7 before us. To be noted, R6 and R7 are private respondents.



W.P.No.16784 of 2024

WEB COPY

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 and R7.

5. Issue notice to official respondents i.e., R1 to R5.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1, R3, R4 and R5. Mr.S.Vinoth Kumar, learned Government Advocate (Crl. Side) accepts notice for R2.

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. Learned counsel for writ petitioner has referred to G.O.Ms.No.540 Revenue Department dated 04.12.2014 but it is brought to our notice that this G.O.Ms.No.540 has been referred to in G.O.Ms.No.64 Revenue and Disaster Management Department, Land Disposal Wing dated 08.02.2022.



W.P.No.16784 of 2024

9. It was submitted by learned Government Advocate 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.

10. 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), Sriperumpudur, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

11. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua public road. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R6 and R7) 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



*W.P.No.16784 of 2024*

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.

12. 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. 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.

14. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not qua public road as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter.



W.P.No.16784 of 2024

15. 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.)**  
27.06.2024

Index : Yes/No  
Neutral Citation : Yes/No  
mmi

To

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- 6.The Revenue Divisional Officer,  
Sriperumpudur.



WEB COPY



W.P.No.16784 of 2024

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

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W.P.No.16784 of 2024

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