



W.P.No.19604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.19604 of 2024

V.Balasundaram
S/o.Venkatesan

... petitioner

Vs.

1. The District Collector
Collectorate
Villupuram District.
2. The Tashildar
Taluk Office
Tindivanam Taluk
Villupuram District.
3. Muniyan
S/o.Govindasamy
4. Murugavel
S/o.Udhaiyanathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents

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to consider the petitioner's representation dated 17.05.2024 and consequently, to direct the 1st and 2nd respondents to remove the encroachment made by the 3rd and 4th respondents in public pathway in S.No.162/6A1 which is situated at Othavadai Street, Keezhmayilam, Tindivanam Taluk, Villupuram District.

For Petitioner : Mr.P.Vijendran
For Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 and 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.P.Vijendran, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 17.05.2024, learned counsel submitted that there is alleged encroachment in 'S.No.162/6A1 at Othavadi Street, Keezhmayilam, Tindivanam Taluk,



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Villupuram District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 and R4 before us. To be noted, R3 and R4 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 and R2) and putting in a safety valve / adequate protection qua private respondents i.e., R3 and R4.

5. Issue notice to official respondents i.e., R1 and R2

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for respondents 1 and 2.

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 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.

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), Tindivanam, 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 ample opportunity is given to persons concerned more particularly alleged encroachers (R3 and R4) before taking a call. In this regard, we are acutely



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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).

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 have not expressed 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.)

19.07.2024

Index : Yes/No
Speaking / Non-speaking order
Neutral Citation : Yes/No
mk

To

1. The District Collector
Collectorate
Villupuram District.
2. The Tashildar
Taluk Office
Tindivanam Taluk
Villupuram District.
3. The Revenue Divisional Officer,
Tindivanam.

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

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