



W.P.No.17642 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.17642 of 2024

Gajalakshmi
W/o.Ezhumalai

... Petitioner

Vs.

1. The District Collector
Cuddalore District
2. The Revenue Tahsildar
Panruti Taluk
Cuddalore District.
3. The Village Administrative Officer
Manamthavizhnthaputhur Village
Panruti Taluk
Cuddalore District.
4. Arivasu
S/o.Ramachandiran
5. Sangu
S/o.Ramachandiran

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to implement order passed by him in his proceedings No.A1/1769/2022 dated 05.2022 (signed on 22.06.2022) and thereby remove the encroachment made by the 4th and 5th respondents in the Government Poramboke land comprised in Survey No.186/3 situated at Ponnankuppam Village, Manamthavizhnhaputhur Post, Panruti Taluk, Cuddalore District and restore the pathway, by considering the petitioner's representation dated 23.05.2024, within the time limit.

For Petitioner : Ms.K.Dhivyashree
For Respondents : Mr.T.K.S.Saravanan
Government Advocate
for R1 to R3

ORDER

[Order of the Court was made by K.GOVINDARAJAN THILAKAVADI,J.,]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Ms.K.Divyashree, learned counsel on record for writ petitioner is before us.

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3. Adverting to a representation from the writ petitioner dated 23.05.2024, learned counsel submitted that there is alleged encroachment in 'Survey No.186/3 situated at Ponnankuppam Village, Manamthavizhnthaputhur Post, Panruti Taluk, Cuddalore District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 and R5.

4. According to the Petitioner, she is residing at Ponnankuppam Village, Manamthavizhnthaputhur, Panruti Taluk, Cuddalore District - 607 101. In the Petitioner's village, the Govt. Poramboke land measuring to an extent of 0.0350 Sq.mtr. comprised in Survey No.186/3 is situated at Ponnankuppam Village, Manamthavizhnthaputhur Panruti Taluk, Cuddalore District and the village people have been using the above said Government Poramboke land as common pathway for decades. Meanwhile, the 4th and 5th Respondents had encroached upon the above said common pathway by raising a small shed. It is submitted by the petitioner that the petitioner along with her village people had made representations before the 1st & 2nd respondents on many occasions to remove the said encroachment made by



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the 4th & 5th Respondents in the common pathway and based on the representation made on 23.05.2024, the Revenue Inspector and the Village Administrative Officer, who is the 3rd Respondent herein conducted an enquiry and submitted their report to the 2nd Respondent. Based on the report and upon enquiry, the 2nd Respondent passed an order Vide. No.1/1768/2022, signed on 22.06.2022 directing the Deputy Tahsildar, Panruti to remove the encroachment made by the 4th and 5th Respondents in the above said pathway, but the said order has not been implemented till date. Hence, on 23.05.2024, the petitioner had made a representation to implement the order of the 2nd respondent and thereby, remove the encroachment made by the 4th and 5th respondents in the above said land, but no action has been taken by the official Respondents till date. Hence the present writ petition.

5. Issue notice to the official respondents.

6. Mr.T.K.S.Saravanan, learned Government Advocate accepts notice for respondents 1 to 3.

7. By consent of learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3, the present writ petition is



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taken up for final disposal.

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8.The learned Government Advocate submitted that G.O.(Ms).No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 was issued by the Government of Tamil Nadu, 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 from encroachments and in compliance with the orders of Hon'ble Courts for monitoring the action taken for eviction of encroachments in Government lands with priority given to Water bodies.

9.In the light of the above, we deem it appropriate to refer the subject matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer (RDO), Cuddalore District, 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 in the said land. The



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Divisional Monitoring Committee shall also ensure that adequate and sufficient opportunity is given to the alleged encroachers and all persons concerned. 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 have not expressed any view or opinion



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as to whether there is encroachment or not in the said land as it turns on facts and it is for the Divisional Monitoring Committee to decide the matter on its own merits.

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.)

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



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M.SUNDAR, J.,
and

K.GOVINDARAJAN THILAKAVADI, J.,

gpa/vsn

To

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Cuddalore District
2. The Revenue Tahsildar
Panruti Taluk
Cuddalore District.
3. The Village Administrative Officer
Manamthavizhnthaputhur Village
Panruti Taluk
Cuddalore District.
4. The Revenue Divisional Officer,
Cuddalore

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