



W.P.No.5582 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

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

W.P.No.5582 of 2021
and
W.M.P. No.21125 of 2021 in W.P. No.5582 of 2021

Marusha

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. By Secretary to Government,
Public Works Department,
Secretariat, Fort St. George, Chennai – 9.

2.The District Collector,
District Collector's Office,
Perambalur, Perambalur District.

3.The Tahsildar,
Taluk Office, Veppanthattai Taluk,
Perambalur District.

4.Syed Hussain
5.Mehurinbi

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus, to direct the second respondent
to dispose of the petitioner's representation dated 24.07.2017.

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For Petitioner : Mr.P.N.George Graham
of M/s.Devadason and Sagar

For Respondents : Mr.P.Balathandayutham,
Spl. Govt. Pleader for R1 to R3
Mr.M.Santhanamari for R5
No appearance for R4

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.N.George Graham, learned counsel of M/s.Devadason and Sagar (Law Firm) for writ petitioner, Mr.P.Balathandayutham, learned Special Government Pleader for R1 to R3 and Mr.M.Santhanamari, learned counsel for R5 are before us.

3. Adverting to representation from the writ petitioner dated 24.07.2017, learned counsel for writ petitioner submitted that there is alleged encroachment in 'common pathway at Survey Nos.467/2A and 467/2A6, Veppanthati Taluk, Perambalur District' [hereinafter 'said

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land' for the sake of convenience and clarity] by R4 and R5 before us.

To be noted, R4 and R5 are private respondents.

4. 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.

5. 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.

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



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7. 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 (R4 and R5) before taking a call. In this regard, we are acutely conscious that there is no representation for one of the alleged encroachers viz., R4 either in the physical Court or on VC (video conferencing) platform (to be noted, this is a hybrid hearing which is a regular/routine/daily feature in 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.

8. 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



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removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher).

9. 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.

10. 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.

11. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) **(K.G.T.,J.)**
19.07.2024

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

- 1.The Secretary to Government,
Public Works Department,
Secretariat, Fort St. George, Chennai – 9.
- 2.The District Collector,
District Collector's Office,
Perambalur, Perambalur District.
- 3.The Tahsildar,
Taluk Office, Veppanthattai Taluk,
Perambalur District.
- 4.The Revenue Divisional Officer,
Perambalur.



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

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