



WEB COPY



W.P.No.1075 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.1075 of 2021

&

W.M.P No. 1196 of 2021

in

W.P.No.1075 of 2021

1.V.Durai
2. V.Kumar

... Petitioner

Vs.

1. State of Tamil Nadu rep. By its Secretary
Town Planning Department
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai – 600 009
2. The Commissioner
Greater Chennai Corporation
“Rippon Building” Park Town
Chennai – 600 003
3. The Assistant Commissioner
Zone-X, Corporation of Chennai

Page Nos.1/8



W.P.No.1075 of 2021

Kodambakkam, Chennai – 600 024

4. The District Collector of Chennai District
“Singaravelar Maaligai”, Rajaji Salai
Second Line Beach, Chennai – 600 001

5. The Tahsildar, Guindy Taluk
Richardson Park, Saidapet
Chennai – 600 015

6. M.S.Rajamanickam

7. N.K.Munshi
Best Real Estate
No.37, 2nd Block, Anna Nagar
Chennai – 600 040

8. R.Balachandran

9.Arul
S/o.Late Sivagnanam
Vasanth Builders
No.40 (Old No.75), C.P.Ramaswamy Road
Chennai – 600 018

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, by directing the respondents, particularly the respondents 1 to 5 to take action as against Respondents 6 to 9 for removal of obstruction/encroachment made in 30 feet Devaraj Street, T.Nagar, Chennai – 600 017 comprised in Block No.130 in Survey Nos.5783, 5784 and 7425 and Re-Survey No.151/2 on the basis of the representation dated 12.01.2020 submitted by the petitioners for themselves and on behalf of other residents in Devaraj Street, T.Nagar, Chennai – 600 017.

For Petitioner : Mr.R.Agilesh

For Respondents : Mr.P.Balathandayutham

Page Nos.2/8



WEB COPY



WP.No.1075 of 2021

Spl. Govt.Pleader for R1, R4 & R5
Mr.S.Gopinath

Standing counsel for R2 and R3

No Appearance for R6 to R9

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.R.Agilesh, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 12.01.2020, learned counsel submitted that there is alleged encroachment in '30 feet Devaraj Street, T.Nagar, Chennai – 600 017 comprised in Block No.130 in Survey Nos.5783, 5784 and 7425 and Re-Survey No.151/2' [hereinafter 'said land' for the sake of convenience and clarity] by R6 to R9 before us. To be noted, R6 to R9 are private respondents.



WP.No.1075 of 2021

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua private respondents i.e., R6 to R9 and therefore we take up the main WP with the consent of learned counsel before us. To be noted, Mr.R.Agilesh, learned counsel for writ petitioner, Mr.P.Balathandayutham, learned Special Government Pleader on behalf of R1, R4 & R5 and Mr.S.Gopinath, learned Standing counsel on behalf of R2 and R3 are before this Court.

5. It was submitted by learned 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), Chennai South in the light of G.O.(Ms)No.64,



WP.No.1075 of 2021

Revenue and Disaster Management Department, Land Disposal Wing, dated
08.02.2022.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R6 to R9) before taking a call. 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 removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroachers).



WP.No.1075 of 2021

WEB COPY 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, connected writ miscellaneous petition is also closed. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

05.07.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

Page Nos.6/8



WP.No.1075 of 2021

To

WEB COPY

1. The Secretary
Town Planning Department
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai – 600 009
2. The Commissioner
Greater Chennai Corporation
“Rippon Building” Park Town
Chennai – 600 003
3. The Assistant Commissioner
Zone-X, Corporation of Chennai
Kodambakkam, Chennai – 600 024
4. The District Collector of Chennai District
“Singaravelar Maaligai”, Rajaji Salai
Second Line Beach, Chennai – 600 001
5. The Tahsildar, Guindy Taluk
Richardson Park, Saidapet
Chennai – 600 015
6. The Revenue Divisional Officer (RDO)
Chennai South



WEB COPY



W.P.No.1075 of 2021

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

gpa

W.P.No.1075 of 2021

05.07.2024

Page Nos.8/8