



WEB COPY



W.P.No.18538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18538 of 2024

and

W.M.P.No.20320 of 2024

in

W.P.No.18538 of 2024

S.Vairamuthu

S/o.V.Saravanamuthu

... petitioner

Vs.

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Periyampet
Chennai-600 003.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Zonal Officer (Zone-12)
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO

Page Nos.1/9



WEB COPY



W.P.No.18538 of 2024

Thiru Vi Ka Industrial Estate
Guindy, Chennai.

4. The Executive Engineer
Block 37, Zone 12
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai.
 5. The Assistant Engineer
Zone 12 - Block 167
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai.
 6. V.Nalina
W/o.S.Thirumal
 7. T.Yashwanth
S/o.S.Thirumal
- ... 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 4 to take appropriate action to remove the encroachment put up by the 6th and 7th respondent in 2nd street, TNGO Colony, Nanganallur, Chennai-61 by considering the petitioner's representation dated 2.05.2024 and 17.06.2024 through online.



W.P.No.18538 of 2024

For Petitioner : Mr.R.Rajarajan
For Respondents : Ms.S.Vanitha Joice Rani
for R1, R3, R4 and R5

ORDER

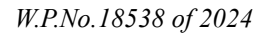
[Order of the Court was made by M.SUNDAR, J.,]

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

2. Mr.R.Rajarajan, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 02.05.2024 and 17.06.2024 through online, learned counsel submitted that there is alleged encroachment in '2nd Street, T.N.G.O. Colony, Nanganallur, Chennai-600 061' [hereinafter 'said land' for the sake of convenience and clarity] by R6 and R7 before us. To be noted, R6 and R7 are private respondents.

Page Nos.3/9





W.P.No.18538 of 2024

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), Guindy, Chennai South Zone, 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 (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 encroachers and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroachers are



W.P.No.18538 of 2024

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 are not expressing 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



W.P.No.18538 of 2024

aspect of the matter.

WEB COPY

14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, connected writ miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

12.07.2024

Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes/No

mk

To

1. The Commissioner
Greater Chennai Corporation
Rippon Building, Periyampet
Chennai-600 003.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

Page Nos.7/9



W.P.No.18538 of 2024

WEB COPY

3. The Zonal Officer (Zone-12)
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai.
4. The Executive Engineer
Block 37, Zone 12
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai.
5. The Assistant Engineer
Zone 12 - Block 167
Greater Chennai Corporation (Alandur)
Nagireddy Garden Street
Arulaiammanpet, TANSIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai.
6. The Revenue Divisional Officer
Guindy,
Chennai South Zone.



WEB COPY



W.P.No.18538 of 2024

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

mk

W.P.No.18538 of 2024

12.07.2024