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W.P.No.20071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.20071 of 2024

1. P.Chinnadurai
S/o.Panchacharam
2. S.Ramesh
S/o.Subramani
3. S.Raji
S/o.Subramani
4. R.Raja alias Ashokkumar
S/o.Ramakrishnan
5. V.Radhakrishnan
S/o.Vichu Naidu

... petitioners

Vs.

1. The District Collector
District Collector's Office
Perambalur - 621 212.
2. The Chief Municipal Commissioner
Perambalur Municipal Office



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Perambalur - 621 212.

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3. Perambalur Fruit Cart Employees Union
and Perambalur Taluk General Workers' Union
through its President
Mettu Street, Perambalur - 621 212.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the representations of the petitioners dated 19.01.2022, 17.07.2023 and 04.12.2023 and remove the encroachments made in front of the shops of the petitioners at Door Nos.68A, 68B, 69 and 70, Nethaji Subhash Chandra Bose Road, South side of Gandhi Statue, Old Bus Stand, Perambalur, Perambalur District and remove the hindrance to the traffic and ensure that there is no hindrance to the pedestrians and the general public.

For Petitioner	:	Mr.Ramamoorthi
For Respondents	:	Mr.P.Balathandayutham Special Government Pleader 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].



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2. Mr.M.Ramamoorthy, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 19.01.2022, 17.07.2023 and 04.12.2023, learned counsel submitted that there is alleged encroachment in front of the shops at 'Door Nos.68A, 68B, 69 and 70, Nethaji Subhash Chandra Bose Road, South side of Gandhi Statue, Old Bus Stand, Perambalur, Perambalur District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 and members of third respondent - Union before us. To be noted, R3 is private respondent.

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 respondent i.e., R3.

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



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6. Mr.P.Balathandayutham, learned Special Government Pleader

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.

8. 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.

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



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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 encroacher (R3) 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 encroacher and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroacher 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



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

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 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.)

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Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes/No

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3. The Revenue Divisional Officer
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