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W.P.No.20052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.20052 of 2024

K.S.Krishnaswamy
S/o.Sellapa Kounder

... petitioner

Vs.

1. The District Collector
Office of the District Collectorate
Erode District.
2. The District Revenue Officer
Revenue Department
Andhiyur
Erode District.
3. Arunagiri
S/o.Subramaniam
4. Gopalakrishnan
S/o.Sennimalai Kounder
5. Kolandaivel
S/o.Sennimalai Kounder

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6. Mahendiran
S/o.Rangasamy

7. Prakash
S/o.Venkatasalam

8. Marayammal
W/o.Venkatasalam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take necessary action on the petitioner's representation dated 10.01.2024 by removing encroachments made by the third to eighth respondents in the Government Poromboke "Kallankuthu" land measuring an extent of 0.91.30 Hectares in Survey No.318/1 situated in the Kuppandampalayam Village, Andhiyur Taluk, Erode District.

For Petitioner : Ms.R.Renuka Devi

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 and R2



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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. Ms.R.Renuka Devi, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 10.01.2024, learned counsel submitted that there is alleged encroachment in 'land at S.No.318/1, situate in Kuppandampalayam Village, Andhiyur Taluk, Erode District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 to R8 before us. To be noted, R3 to R8 are private respondents.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents



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(R1 and R2) and putting in a safety valve / adequate protection qua private respondents i.e., R3 to R8.

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

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.

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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), Gobichettipalayam, 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 (R3 to R8) 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 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.



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WEB COPY 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 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.



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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.)

25.07.2024

Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes/No

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To

1. The District Collector
Office of the District Collectorate
Erode District.
2. The District Revenue Officer
Revenue Department
Andhiyur
Erode District.
3. The Revenue Divisional Officer
Gobichettipalayam.

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

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