



W.P.No.12359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.12359 of 2024

V.K.Ramalingam

... Petitioner

Vs.

1. The District Collector
Office of the District Collectorate
Kancheepuram District – 631 501
2. The District Revenue Officer
Kancheepuram District – 631 501
3. The Revenue Divisional Officer
Sriperumundur
Kancheepuram District – 602 105
4. The Tahsildar
Kundrathur
Kancheepuram District – 600 069
5. The Commissioner
Municipal Office
Kundrathur, Chennai – 600 069

Page Nos.1/8



W.P.No.12359 of 2024

6. Mr.M.Govindaraj

7. Mr.Pandian

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing Respondents 1 to 5 to consider the representation dated 16.05.2022, in order to take action against the 6th and 7th respondent not to dump the construction debris in the Government canals thereby leaving sewage water, and to remove the illegal encroachment in the Government Canals situated in S.Nos.100, 101, 104, 106, 108, 110 and 29, Deviki Nagar, Kalyani Nagar, Manancheri Village, Kundrathur Taluk, Kancheepuram District, Kundrathur Municipality limits.

For Petitioner : Mr.M.Arul
For Respondents : Mr.A.Selvendran
Special Government Pleader
assisted by Mr.TK.Saravanan
Government Advocate for R1 to 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].



W.P.No.12359 of 2024

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

us.

3. Adverting to a representation from the writ petitioner dated 16.05.2022, learned counsel submitted that there is alleged encroachment in 'Government Canals situated in S.Nos.100, 101, 104, 106, 108, 110 and 29, Deviki Nagar, Kalyani Nagar, Manancheri Village, Kundrathur Taluk, Kancheepuram District' [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.

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 to R5) and putting in a safety valve / adequate protection qua private respondents i.e., R6 and R7.

5. Issue notice to official respondents.



W.P.No.12359 of 2024

6. Mr.A.Selvendran, learned Special Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R5.

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 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.



W.P.No.12359 of 2024

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), Sriperumundur 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 lands. 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 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.



W.P.No.12359 of 2024

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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 aspect of the matter.



W.P.No.12359 of 2024

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.)

07.06.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

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Page Nos.7/8



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W.P.No.12359 of 2024

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

gpa

W.P.No.12359 of 2024

07.06.2024

Page Nos.8/8