



W.P.No.30146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.30146 of 2024

Mr.V.Senthil Kumar
S/o.K.Vijayashankar

... Petitioner

Vs.

1. The Commissioner of Corporation
O/o.Tambaram City Municipal Corporation
No.1, Muthuranga Mudali Street
West Tambaram, Chennai – 600 045

2. The District Collector
Collectorate
GST Road
Chengalpattu – 603 001

3. The Tahsildar (Pallavaram)
Kurinji Nagar, Kanni Koil Street
Ganapathipuram, Chrompet
Chennai, Tamil Nadu – 600 044

4. R.Amarnath

5. R.Ashok Kumar

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S/o.Rajalingam

... Respondents

WEB COPY Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 3 to remove the encroachment made by 4th and 5th respondent on the public road “Theradipattai Road” comprised in T.S.No.34 based on the judgment of this Court in W.P.No.31553 of 2023 dated 02.11.2023 and based on the report of the 3rd respondent dated 07.08.2024.

For Petitioner : Ms.A.Vinu Prabha
for Mr.S.Ramesh Kumar

For Respondents : Mr.P.Srinivas
Standing counsel for R1

Mr.M.S.Arasakumar
Government Advocate for R2 & R3

Mr.R.K.Arjun Raj for 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. Ms. A.Vinu Prabha, learned counsel representing Mr.S.Ramesh Kumar, counsel on record for writ petitioner is before us.

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3. Adverting to a petition given by the writ petitioner dated 30.08.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in public road, namely 'Theradi Pattai Road in T.S.No.34, Anakaputhur, Chennai-600 070' [hereinafter 'said road' for the sake of convenience and clarity] by R4 and R5 before us. To be noted, R4 and R5 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 respondents.

5. Issue notice to respondents.

6. Mr.P.Srinivas, learned Standing Counsel accepts notice for R1, Mr.M.S.Arasa Kumar, learned Government Advocate accepts notice for R2 and R3 and Mr.R.K.Arjun Raj, learned counsel accepts notice for R4 and R5.



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7. This is the second round of writ petition. Writ petitioner earlier filed W.P.No.31553 of 2023, which was disposed of by another Hon'ble Division Bench on 02.11.2023 recording the statement of State counsel that survey would be conducted and action would be depending on the survey report. Learned State counsel submits that survey has since been conducted and there is a report.

8. 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.

9. It was submitted by learned State counsel 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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10. 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, Tambaram, Chennai-45, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

11. 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 (R4 and R5) 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.

12. 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)



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report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroachers).

13. 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.

14. 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. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.



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15. 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.R.S.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

gpa

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