



WP.No.32309 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.32309 of 2024

M.Venkatesan

... Petitioner

VS

1.The District Collector,
Tirupattur District,
Tirupattur – 635 601.

2.The Tahsildar,
Tirupattur Taluk,
Tirupattur – 635 601.

3.Rajendran

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 herein to remove the encroachment made by the third respondent herein blocking the pathway earmarked in Kallankuthu poromboke land bearing S.No.766/3, Aandiyapanoor Village, Tirupattur Taluk and District.

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For Petitioner : Mr.S.V.Karthikeyan
For Respondents : Mr.Vadivelu Deenadayalan,
Additional 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].

2. Mr.S.V.Karthikeyan, learned counsel on record for writ petitioner and Mr.Vadivelu Deenadayalan, learned Government Advocate for R1 and R2 are before us.

3. Adverting to representation from the writ petitioner dated 11.09.2023, learned counsel for writ petitioner submitted that there is alleged encroachment in 'the pathway earmarked in Kallankuthu poromboke land bearing S.No.766/3, Aandiyapanoor Village, Tirupattur Taluk and District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 before us. To be noted, R3 is a private respondent.

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4. 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.

5. It was submitted by learned Additional 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.

6. 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), Tirupattur District, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The

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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 there is no representation for the alleged encroacher viz., R3 either in the physical Court or on VC (video conferencing) platform (to be noted, this is a hybrid hearing which is a regular/routine/daily feature in this Court) 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.

8. 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 encroacher).

9. It is open to the WP petitioner and or anyone concerned with



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this matter to come to this Court on the same issue even with a similar / same prayer if there are any change of circumstances.

10. 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.

11. 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.)
07.11.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

1.The District Collector,
Tirupattur District,
Tirupattur – 635 601.

**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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2.The Tahsildar,
Tirupattur Taluk,
Tirupattur – 635 601.

3.The Revenue Divisional Officer,
Tirupattur District.

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