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WP.No.30613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

W.P.No.30613 of 2024

Mr.K.Dhanakumar
S/o.Kanraj

... Petitioner

Vs.

1. The District Collector
O/o The District Collector
Chennai District
2. The District Revenue Officer
O/o.Chennai Collectrate
Chennai
3. The Thasildar
O/o.Sholinganallur Taluk
Chennai – 119
4. The Commissioner
O/o.Greater Chennai Corporation
Ripon Building
Chennai
5. The Deputy Commissioner Zonal XIII

Page Nos.1/8



WP.No.30613 of 2024

Adyar, Chennai

WEB COPY

6. The Assistant Commissioner Zone XIV
Ullagaram, Puzhithivakkam
Chennai

7. Mrs.Azhalagu Karumari
W/o.R.Ganesan

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent Tahsildar (Sholinganallur taluk) to remove the encroachment made by 7th respondent in Grama Natham Old Survey No.226/1 and New Survey No.339/2 measuring to an extent 00.308 sq.meters, more fully classified as “Grama Natham”.

For Petitioner : Mr.J.Ramesh
for Mr.Madhanramu

For Respondents : Mr.M.S.Arasakumar
Government Advocate for R1 to R3

Mr.D.B.R.Prabhu
Standing counsel for R4 to R6



WP.No.30613 of 2024

ORDER

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[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.J.Ramesh, learned counsel representing the counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 17.02.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Old Survey No.226/1 and New Survey No.339/2 measuring to an extent 00.308 sq.meters, more fully classified as 'Grama Natham' [hereinafter 'said land' for the sake of convenience and clarity] by R7 before us. To be noted, R7 is a private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R6) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R7.

5. Issue notice to official respondents i.e., R1 to R6.



WP.No.30613 of 2024

6. Mr.M.S.Arasa Kumar, learned Government Advocate accepts notice for R1 to R3 and Mr.D.B.R. Prabu, learned Standing counsel accepts notice for R4 to R6.

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 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.

9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by the District Revenue Officer, Chennai, who is the second respondent herein, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.



WP.No.30613 of 2024

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



WP.No.30613 of 2024

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. 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.

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.R.S.,J.)
12.11.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

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WP.No.30613 of 2024

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WEB COPY



WP.No.30613 of 2024

M.SUNDAR, J.,

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gpa

W.P.No.30613 of 2024

12.11.2024

Page Nos.8/8