



WEB COPY



W.P.No.33016 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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

W.P.No.33016 of 2024

Dr.M.Mohamad Yunus
S/o.Mohammed Sab

... Petitioner

VS

1. The Block Development Officer
Krishnagiri Panchayat Union
Krishnagiri Taluk & District
2. The Panchayat President
Devasamudram Panchayat
Krishnagiri Taluk & District
3. The Panchayat Secretary
Devasamudram Panchayat
Krishnagiri Taluk & District
4. Krishnamoorthy
S/o.Ganesan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing respondents 1 to 3 herein to
take action against the fourth respondent for unapproved drainage

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construction and staircase of the home entrance made by encroaching the common pathway of the property situated at MM Colony in Survey No.21/1, Devasamuthiram Village, Krishnagiri Taluk & District thereby causing trouble to the petitioner herein to enjoy ingress and egress of his property situated in MM Colony in Survey No.21/1, Devasamuthiram Village, Krishnagiri Taluk & District morefully in Plot No.22, 23 on the basis of the Field Inspection Report dated 22.07.2024 submitted by the third respondent.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.M.Shahjahan
Special Govt. Pleader for R1 to R3

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.G.Magesh Kumar, learned counsel on record for writ petitioner and Mr.M.Shahjahan, learned Special Government Pleader for R1 to R3 are before us.



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3. Adverting to representation from the writ petitioner dated 04.07.2024, learned counsel for writ petitioner submitted that there is alleged encroachment at 'MM Colony in Survey No.21/1, Devasamuthiram Village, Krishnagiri Taluk & District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 before us. To be noted, R4 is a private respondent.

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 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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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), Krishnagiri 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 Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroacher (R4) before taking a call. In this regard, we are acutely conscious that there is no representation for the alleged encroacher viz., R4 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.



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WEB COPY 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 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. 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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WEB COPY 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.)

11.11.2024

Index : Yes / No

Neutral Citation : Yes / No

gpa

To

1. The District Collector,
Tirupattur District,
Tirupattur – 635 601.
2. The Panchayat President
Devasamudram Panchayat
Krishnagiri Taluk & District
3. The Panchayat Secretary
Devasamudram Panchayat
Krishnagiri Taluk & District
4. The Revenue Divisional Officer
Krishnagiri District

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

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