



W.P.No.36145 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.36145 of 2024

Mr.Ganesh
S/o.Ramaiah

... Petitioner

Vs.

1. The District Collector
O/o.District Collector
Krishnagiri
2. Shanthappa
S/o.Thepayya
3. Munusami
S/o.Thepayya
4. Prakash
S/o.Thepayya
5. Ravi
S/o.Thepayya
6. Ashvathappa
S/o.Chinappa

Page Nos.1/7



W.P.No.36145 of 2024

WEB COPY

7. Chikkaappayaa
S/o.Chinappa

8. Sathish
S/o.Chinappa

9. Kittayya
S/o.Chinappa

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to remove the encroachment made by the respondents 2 to 9 in the 20 feet public pathway by considering the representation dated 16.08.2024.

For Petitioner : Mr.V.Sundarraman

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

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.V.Sundarraman, learned counsel on record for writ petitioner is before us.

Page Nos.2/7



W.P.No.36145 of 2024

3. Adverting to a representation from the writ petitioner dated 16.08.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in 'public pathway in S.No.651, Uchanahalli Village, Muthur Post, Denkanikottai Taluk, Krishnagiri District' [hereinafter 'said pathway' for the sake of convenience and clarity] by R2 to R9 before us. To be noted, R2 to R9 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 respondent (R1) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R2 to R9.

5. Issue notice to official respondent i.e., R1.

6. Mr.M.S.Arasa Kumar, learned Government Advocate accepts notice for R1.



W.P.No.36145 of 2024

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.

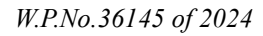
9. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer, Sub-Collector Office, Hosur, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.



W.P.No.36145 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 encroachers (R2 to R9) 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.

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).



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.

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

Page Nos.6/7



W.P.No.36145 of 2024

M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

gpa

To

1. The District Collector
O/o.District Collector
Krishnagiri
2. The Revenue Divisional Officer
Sub-Collector Office
Hosur

W.P.No.36145 of 2024

05.12.2024

Page Nos.7/7