



W.P.No.34195 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

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

W.P.No.34195 of 2024

1. Kishore Kumar
 2. Nayinar
 3. Rajasekar
- ... Petitioners

Vs.

1. The District Collector
The District Collector Office
Krishnagiri District.
2. The Revenue Divisional Officer
The Revenue Divisional Office
Hosur Taluk
Krishnagiri District.
3. The Revenue Tahsildar
The Revenue Tahsildar Office
Hosur Taluk
Krishnagiri District.
4. The Village Administrative Officer
Mookandapalli Village
Hosur Taluk
Krishnagiri District.

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5. The Commissioner of Hosur
Hosur Corporation
Hosur, Krishnagiri District.

6. The Inspector of Police
Sipcot Police Station
Hosur Taluk, Krishnangiri District.

7. Parvathi Devi
W/o.N.Vijayan

... 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 to consider the petitioner's representation dated 28.02.2024 received by the 3rd respondent on 28.02.2024.

For Petitioners	:	Mr.CT.Murugappan
For Respondents	:	Mr.T.K.Saravanan
		Government Advocate, for R1 to R5
		Mr.E.Raj Thilak
		Additional Public Prosecutor, for R6

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].

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2. Mr.CT.Murugappan, learned counsel on record for writ petitioners

is before us.

3. Adverting to a representation from the writ petitioners dated 28.02.2024, learned counsel for writ petitioners submitted that there is alleged encroachment at 'S.No.319, Bharathi Nagar, Mookandapalli Village, Hosur' [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.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R5. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for 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.



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8. It was submitted by learned Government Advocate 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 (RDO), Hosur Taluk, Krishnagiri District, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

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.



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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).

12. It is open to the WP petitioners 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



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in public land.

WEB COPY 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.)
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Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

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and

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