



W.P.No.32635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

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

W.P.No.32635 of 2024

S.Senthil Kumar
S/o.Shanmugam

... Petitioner

Vs.

1. The Tahsildar
Kundathur Taluk
Kanchipuram District.
2. The President
Nattarasanpattu Village and Panchayat
Kundrathur Taluk
Kanchipuram District.
3. The Village Administrative Officer
Nattarasanpattu Village and Panchayat
Kundrathur Taluk
Kanchipuram District.
4. State
Rep. by the Inspector of Police
Manimangalam Police Station
Kanchipuram District.

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to consider the written representation dated 20.08.2024 sent by the petitioner to the respondents 1 to 3 and consequently, direct them to remove the illegal encroachment made by the third parties in the land comprised in Survey Nos.60/1 and 60/2 situated at Nattarasanpattu Village, Kundrathur Taluk, Kanchipuram District.

For Petitioner : Mr.C.Mohanraj

For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 and R3
Mr.J.C.Durairaj
Additional Government Pleader
for R2
Mr.E.Raj Thilak
Additional Public Prosecutor, for R4

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.C.Mohanraj, learned counsel on record for writ petitioner is before us.



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3. Adverting to representation from the writ petitioner dated 20.08.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in 'land comprised in Survey Numbers 60/1 and 60/2 situate at Nattarasanpattu Village, Kundrathur Taluk, Kanchipuram District' [hereinafter 'said land' for the sake of convenience and clarity] to an extent of 10 feet and public land abutting said land. To be noted, names of alleged encroachers are not known to writ petitioner.

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 R4) and putting in a safety valve / adequate protection qua alleged encroachers.

5. Issue notice to respondents.

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and R3, Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for R2 and Mr.E.Raj Thilak, learned Additional Public



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Prosecutor, accepts notice for R4 are before us.

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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 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.

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

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10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The Divisional Monitoring Committee shall also identify the alleged encroachers and ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers before taking a call. 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).



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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 are not expressing 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.

14. Though obvious, we make it clear that this G.O.64 legal drill is restricted to public land abutting said land.

15. 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 / Non-speaking order

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

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