



W.P.No.34451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34451 of 2024

S.Manikandan

S/o.Mr.Shanmugam

... Petitioner

Vs.

1. The District Collector
District Collectorate Office
Tiruvannamalai District
2. The Revenue Divisional Officer
RDO Office, Tiruvannamalai Taluk & District
3. The Tahsildar
Taluk Office, Tiruvannamalai Taluk & District
4. The Block Development Officer
Thurinjapuram Union
Panchayat Union Officer
Thurinjapuram
Tiruvannamalai District
5. The Village Administrative Officer
VAO Office, Madulampadi Village
Nukkampadi Post

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Tiruvannamalai District

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6. Raja

S/o.Mr.Munusamy

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing 3rd and 5th respondents to consider petitioner's representation dated 10.09.2024 requesting to remove the shed put up by the 6th respondent in Survey No.179, situate at Madulampadi Village, Nukkampadi Post, Tiruvannamalai Taluk & District classified as Paattai used as pathway, pursuant to the proceedings dated 16.10.2024 passed by the third respondent in Zoho No.10182044, 10189269 10189276 within the time frame to be fixed by this Court.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.Vadivelu Deenadayalan
Addl. Govt. Pleader for R1 to R5

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.D.Rameshkumar, learned counsel on record for writ petitioner is before us.

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3. Adverting to a representation from the writ petitioner dated 10.09.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in pathway situate in 'Survey No.179, at Madulampadi Village, Nukkampadi Post, Tiruvannamalai Taluk & District' [hereinafter 'said pathway' for the sake of convenience and clarity] by R6. To be noted, R6 is private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 to R5) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R6.

5. Issue notice to official respondents i.e., R1 to R5.

6. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for R1 to R5.

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 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, Tiruvannamalai Taluk and District (R2 before us), 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



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encroacher (R6) 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).

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.



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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.)

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Index : Yes / No

Neutral Citation : Yes / No

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