



W.P.No.35364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

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

W.P.No.35364 of 2024

S.Muniyan

... Petitioner

VS

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Divisional Officer,
The RDO Office, Kallakurichi,
Kallakurichi District.
- 3.The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.
- 4.The Block Development Officer,
The BDO Office,
Sankarapuram,
Kallakurichi District.
- 5.Raji
- 6.P.Nehru
- 7.G.Elumalai
- 8.M.Marimuthu

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to consider petitioner's representation dated 05.03.2024 to take necessary and appropriate action against the stream and carriageway encroachments belong to the Government.

For Petitioner : Mr.P.Chinnasamy
For Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 to R3
Ms.V.Yamuna Devi
Special Government Pleader
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.P.Chinnasamy, learned counsel on record for writ petitioner is before us.

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3. Adverting to a representation from the writ petitioner dated 05.03.2024, learned counsel for writ petitioner submitted that there is alleged encroachment at 'S.Nos.45/11 and 45/9 (odai vaikal) and 36/7 (cart track) at S.Kulathur Village, Sankarapuram Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 to R8 before us. To be noted, R5 to R8 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 respondents (R1 to R4) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R5 to R8.

5. Issue notice to official respondents i.e., R1 to R4.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Ms.V.Yamuna Devi, learned Special Government Pleader accepts notice for R4.



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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 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), Kallakurichi, 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 ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R5 to R8) 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).



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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 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.)
28.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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

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