



W.P.No.36744 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.36744 of 2024

1. Harikrishnan
S/o.Raghavan
 2. N.Selvaraj
S/o. Narayana Samy Pillai
- ... Petitioners

Vs.

1. The District Collector
Chengalpattu District.
2. The District Revenue Officer
Chengalpattu District.
3. The Revenue Divisional Officer
Tambaram Taluk
Office at Kadapeti
Tambaram, Chennai-600 045
Chengalpattu District.
4. The Tahsildar
Tambaram Taluk
Office at Kadapeti
Tambaram, Chennai-600 045

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Chengalpattu District.

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5. The Commissioner
St. Thomas Mount Panchayat Union
Having office at Chitlapakkam
Chennai-600 064.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to remove the encroachments made in the land in Survey No.8/1 in Agaram Then Village Panchayat, St. Thomas Mount Panchayat Union, Tambaram Taluk, Chengalpattu District by considering their representations dated 13.11.2024 and 20.10.2024 respectively.

For Petitioners : Mr.M.Elumalai

For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to 'land in S.No.8/1 in Agaram Then Village, Panchayat, St. Thomas Mount Panchayat Union, Tambaram Taluk, Chengalpattu District'



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{hereinafter 'said land' for the sake of brevity}.

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2. The case of the writ petitioners is that a notice under Sections 30(2)(iii), 34(k) of 'the Disaster Management Act, 2005' {hereinafter 'said Act' for the sake of brevity} and 'the National Disaster Management Rules, 2005' {hereinafter 'said Rules' for the sake of brevity} was issued and writ petitioners have removed the encroachment but some other noticees qua adjacent lands have not complied with.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for all five respondents.

5. Learned State Counsel, on instructions submits that notices pertaining to said land have also been issued, noticees have given undertaking to remove the encroachment within a week and if they do not do so, further action in accordance with law will follow. In other words, it is the stated position of learned State Counsel that alleged encroachers in said land have been show caused and they have responded by giving undertaking that they would remove offending structures themselves.



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6. Owing to the limited scope of the captioned WP, main WP is taken up in the Admission Board with the consent of both sides.

7. In this regard, we make it clear that rights and contentions of any alleged encroachers qua said land is wholly preserved. To put it differently, having been show caused or if they are show caused, noticees will have all rights and contentions to respond to the same untrammelled by this order.

8. As the alleged encroachers have been / are to be show caused, due process of law will be followed as say of learned State Counsel. We are of the view that the captioned WP can be disposed of recording the stated position of learned State Counsel.

Recording the stated position of learned State Counsel, captioned WP is disposed of. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

10.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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