



W.P.(MD) No.2897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2897 of 2024

R.Parthasarathy

... Petitioner

-Vs-

1.The District Collector,
Collectorate Office,
Thanjavur District.

2.The Revenue Divisional Officer,
RDO Office,
Kumbakonam,
Thanjavur District.

3.The Panchayat Special Officer/
Block Development Officer,
Papanasam Panchayat,
Thanjavur District.

4.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

5.N.Ekambaram

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



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Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent by way of construction of compound wall in public pathway in Survey No.73, situated at Umpalapatti Panchayat, Papanasamy Taluk, Thanjavur District based on the petitioner's representations dated 05.05.2023 and 06.06.2023 within a stipulated time as fixed by this Court.

For Petitioner : Mr.M.Maria Vinola
For R1,R2 & R4 : Mr.T.Amjadkhan
Government Advocate
For R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This writ petition is filed to direct the respondents 1 to 4 to remove the encroachment made by the fifth respondent by way of construction of compound wall in public pathway in Survey No.73, situated at Umpalapatti Panchayat, Papanasamy Taluk, Thanjavur District based on the petitioner's representations dated 05.05.2023 and 06.06.2023.

2.Mr.T.Amjadkhan, learned Government Advocate takes notice for the respondents 1, 2 & 4. Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the third respondent. Considering the nature of order going to be passed, notice to the fifth respondent is dispensed with. By consent of both



parties, this writ petition is taken up for final disposal at the time of admission itself.

3.The issue regarding the removal of encroachment has been decided by this Court in W.P.(MD)No.24679 of 2023, dated 12.10.2023 and the relevant paragraphs are extracted hereunder:-

“4.The Government originally issued G.O.(Ms)No.540, Revenue [LD6(2)] Department, dated 04.12.2014 and formed committees to dispose of the grievances relating to the eviction of encroachment in Government lands. The said Government Order was issued pursuant to the order of the High Court of Madras in W.P.No.26722 of 2013 dated 08.10.2014. Subsequently, the Division Bench of Madras High Court at Madurai Bench in W.P. (MD)No.15917 of 2015, dated 02.09.2015 passed an order. Superseding earlier Government Order issued in G.O.(Ms)No.540, recently, the Government issued G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022. Monitoring Committees are constituted. The Divisional Monitoring Committee has been constituted appointing Revenue Divisional Officer concerned as Chairperson / Convenor along with members. The District Monitoring Committee has been constituted appointing District Collector concerned as Chairperson along with members. The State Steering Committee is constituted headed by the Chief



Secretary to Government along with members from various departments including Police and Highways Department. The Committee will convene once in a month and the issues will be taken up for discussion along with all Secretaries Meeting. The Committees constituted by the Government are expected to act in a meaningful manner, so as to redress the grievance of the aggrieved persons sending representations to remove the encroachments from Highways, water bodies and Government Poramboke lands etc.

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12.Considering the fact that numerous Writ Petitions are filed before the High Court to remove the encroachments and taking note of the fact that the Government also issued an order in G.O.Ms.No.64, appointing the Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee, we are inclined to pass the following order:-

“1.The representations submitted by the writ petitioner is directed to be looked into by the Highways Authority under Section 28 of the Tamil Nadu State Highways Act, 2001 and all appropriate actions are directed to be initiated to remove the encroachments in the Highways by following the procedures as contemplated;

2.The respective Divisional Monitoring Committees, District Monitoring Committees, State Steering Committee, on receipt of any complaint or information from any person regarding encroachment of Government land, water bodies etc., are directed



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to initiate all appropriate actions to remove the encroachments within a period of twelve weeks from the date of receipt of the complaints / representations / informations and register criminal complaints, wherever required;

3.The representations submitted to any Government official / authority in their individual designation or otherwise are directed to be forwarded by such Government official / authority to the Divisional Monitoring Committee, District Monitoring Committee or State Steering Committee as the case may be and the Committee concerned in turn, on receipt of any such informations / representations / complaints from any other authority of any department, are directed to look into the issues for initiation of further actions to evict the encroachers by following the procedures as contemplated under the Act;

4.The representations / complaints / informations cannot be rejected merely on the ground that it has been addressed to a wrong authority or incompetent authority. All such authorities are directed to forward the complaints to the competent authority ie., Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee for the purpose of initiation of actions.

5.The State Steering Committee as per the Government Order will convene once in a month without any lapse and issues are directed to be taken up for discussion along with Secretaries meeting.



6.The complaints received, action taken and the results are to be monitored by the State Steering Committee and all such details are directed to be uploaded in the Revenue Department Website / Tamil Nadu Government Website, enabling the citizens to know about the status of their complaints / representations or information regarding the encroachments of Government lands, public properties, water bodies etc.

7.It is clarified that any authority, on receipt of complaints / representations / information regarding the encroachment, shall forward the same to the Divisional Monitoring Committee / District Monitoring Committee / State Steering Committee, who in turn, is directed to issue appropriate directions to the designated / competent authority under the relevant statutes and rules to initiate all appropriate actions to evict the encroachers by duly following the procedures as contemplated and pass orders, remove encroachments and communicate the same to the Divisional Monitoring Committee / District Monitoring Committee / State Steering Committee and thereafter, communicate the action taken information to the complainant / informant or the persons submitting representations.

8.The Committees constituted under G.O.(Ms)No.64, dated 08.02.2022 are not competent authority under the relevant statutes and rules. Therefore, the Committees are empowered to monitor actions to be initiated by the competent / appropriate authority under the relevant provisions of the Acts and rules.



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9. In the event of negligence, lapses or dereliction of duty on the part of the competent authority under the statutes or any department in removing the encroachments and to protect the Government properties, then the Divisional Monitoring Committees / District Monitoring Committees / State Steering Committee are directed to recommend for initiation of appropriate disciplinary action against the concerned authorities, who have committed such misconduct under the Service Rules.

10. In the event of failure to initiate action to remove encroachments within a period of twelve (12) weeks on the part of the authorities / committees with reference to the Government Order issued in G.O.Ms.No.64, thereafter, the aggrieved person is at liberty to approach the High Court for appropriate relief.”

4. We have carefully gone through the materials available on record. The issue involved in this writ petition has already been dealt with by this Court in the above said writ petition. Considering the facts and circumstances of the case, we are not inclined to issue any positive direction to the respondents in this writ petition. It is for the respondents to look into the representations made by the petitioner in light of the order of this Court dated 12.10.2023 cited supra and in light of G.O.Ms.No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022.



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5. With the above observation, this writ petition stands dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

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To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Thasildar,
Aruppukottai Taluk,
Virudhunagar District.

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