



W.P(MD)No.5412 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.5412 of 2024

Panaiyadi

... Petitioner

VS.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Srirengam Revenue Division,
Vannankovil,
Trichy District.
- 3.The Tahsildar,
Srirengam Taluk,
Trichy District.
- 4.The Block Development Officer (Village Panchayat)/
Monitoring Committee,
Manikandam Union,
Srirengam Taluk,
Trichy District.
- 5.The President,
Thayanur Village Panchayat,
Manikandam Union,
Srirengam Taluk, Trichy District.

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6. Annavi
7. Maruthupandi
8. The Commissioner of Revenue Administration
and Disaster Management,
Chennai – 5.

... Respondents

(R – 8 is *suo motu* impleaded vide order
dated 07.03.2024)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to provide pathway by laying road after removing the encroachment made by the private respondent in S.F.Nos.264/22 and 266 which is classified as Natham land in Thayanur Village, Manikandam Block, Srirengam Taluk, Trichy District on the basis of the petitioner's representations dated 28.02.2023 and 16.10.2023 within the time frame fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondent Nos.1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to provide pathway by laying road after removing the encroachment made by the private respondent in S.F.Nos.264/22 and 266 which is classified as Natham land in

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Thayanur Village, Manikandam Block, Srirengam Taluk, Trichy District on the basis of the petitioner's representations dated 28.02.2023 and 16.10.2023 within the time frame fixed by this Court.

2.When the matter came up for hearing on 07.03.2024, we passed the following order:

The Government, vide G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD. 6(2)' Section, dated 08.02.2022, constituted various committees from time to time at Taluk / Divisional / District / State Level to protect the Government lands from encroachments. As per the said Government Order, the Committee shall meet once in a month. Though the said Government Order is passed in the year 2022, everyday, several Writ Petitions are being filed before this Court, seeking for removal of encroachment in the Government lands. Therefore, the Commissioner of Revenue Administration and Disaster Management, Chennai-5 is suo motu impleaded as party respondent in this Writ Petition, in order to file a detailed report regarding the compliance of the said Government Order.

2.Post this matter on 14.03.2024 at 02.15 p.m., for filing report before this Court, failing which, the Commissioner of Revenue Administration and Disaster Management, has to appear before this Court.



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3.Pursuant to the order passed by this Court, dated 07.03.2024, the third respondent filed a counter-affidavit, dated 12.03.2024 and the eighth respondent has filed a status report dated Nil, March, 2024.

4.A detailed report has been filed by the eighth respondent/Commissioner of Revenue Administration and Disaster Management Department, Chennai, stating that the Government had issued G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'L.D.6(2)' Section, dated 08.02.2022 constituting new committees in supersession of earlier committees to monitor the encroachments in water bodies and other Government lands. By virtue of the same, three Committees have been constituted, each at Divisional level, District and State level for effective reporting / monitoring of developments in identifying and eviction of encroachments in water bodies and other Government lands.

5.In the status report, the details of the members of the Divisional Monitoring Committee headed by the Revenue Divisional Officer, District Monitoring Committee headed by the District Collector and State



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Steering Committee headed by the Chief Secretary to Government have been stated, which reads as follows:

'Members of the Divisional Monitoring Committee:

- ➔ *Jurisdictional Deputy Superintendent of Police / Assistant Commissioner of Police.*
- ➔ *Municipal Commissioners*
- ➔ *All Tahsildars*
- ➔ *Sub-Divisional Officer / Water Resources Department*
- ➔ *Assistant Divisional Engineer, Highways of C & M Wing of Highways*
- ➔ *Zonal Officer of Assistant Director Cadre from Rural Development & Panchayat Raj Department*
- ➔ *Divisional Inspector of Survey*
- ➔ *Any other special invitees as decided from time to time by the Chairman*

The Divisional level Committee is entrusted with the works of identifying, enumerating and reporting of category wise objectionable and unobjectionable encroachments and has been monitoring the action taken against the encroachments at Taluk level. The Committee shall meet once in a month.

Members of the District Monitoring Committee:

- ➔ *Superintendent of Police*
- ➔ *Commissioner of Police (if applicable)*
- ➔ *Corporation Commissioner (if applicable)/Municipal Corporation of District Head Quarter Municipality*



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- ➔ *Executive Engineer / Water Resources Department of all relevant divisions*
- ➔ *Divisional Engineer Highways of C & M wing of Highways*
- ➔ *Project Director / Joint Director of Rural Development Additional Director (Panchayat)*
- ➔ *Assistant Director, Town Panchayats*
- ➔ *Assistant Director, Survey and Land Records*
- ➔ *All Revenue Divisional Officers*
- ➔ *District Revenue Officer – Convener*
- ➔ *Any other special invitees as decided from time to time by the Chairman*

The District Level Committee shall prepare a District level action plan on enumeration and eviction of encroachments in Government lands with priority being given to water bodies, monitor the progress and report to the Commissioner of Land Administration. The Committee shall meet monthly on the date of District Revenue Administration Meeting / Law & Order meeting.

Members of the State Steering Committee:

- ➔ *Secretary, Revenue & Disaster Management Department*
- ➔ *Secretary, Municipal Administration and Water Supply Department*
- ➔ *Secretary, Water Resources Department*
- ➔ *Secretary, Highways & Minor Ports Department*
- ➔ *Secretary, Rural Development and Panchayat Raj Department*



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- ➔ *Secretary, Home, Prohibition and Excise Department*
- ➔ *Secretary, Housing and Urban Development Department*
- ➔ *Director General of Police*
- ➔ *Director of Rural Development and Panchayat Raj Department*
- ➔ *Commissioner, Greater Chennai Corporation*
- ➔ *Engineer-in-Chief, Water Resource Department*
- ➔ *Director General, Highways*
- ➔ *Managing Director, TN Urban Habitat Development Board*
- ➔ *Director of Survey and Settlement*
- ➔ *Commissioner of Land Administrations – Convenor*
- ➔ *Any other Special Invitees as decided from time to time by the Chairman.*

The State Committee shall monitor and review the overall progress in eviction of encroachment and compliance of Court orders in respect of encroachments in water bodies and other highly objectionable poramboke lands. The Committee will convene once in a month and the issues will be taken up for discussion along with all Secretaries Meeting.

6. In the status report, it is further stated that the State Level Committee is monitoring and reviewing the overall progress in the eviction of encroachments in compliance of Court orders in respect of encroachments in water bodies and other highly objectionable poramboke



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The State Level Steering Committee meeting was conducted on 12.09.2023 and 29.11.2023 and the committee has reviewed and monitored the eviction process carried out by the Divisional / District Level Committees. The next State Level Committee is scheduled to be convened by the end of March, 2024. A total number of 2315 complaints have been received, out of which 1863 complaints has been disposed until November, 2023 and the Committee has undertaken a scrupulous approach, diligently examining each case of water body and other encroachments to address the concern raised in the complaints. The committee takes effective initiatives towards protection and maintenance of water bodies, safeguarding their ecological balance and preserving their vital role in State's well-being. The committee also aims to ensure a thorough and comprehensive examination of each case focusing on long term welfare of the State. The committee also ensures compliance with the directions and guidelines issued by the Hon'ble Supreme Court and this Court from time to time to safeguard against encroachments on water bodies.

7.The details of the working of Divisional / District Level Monitoring Committee as per G.O.(Ms)No.64, Revenue and Disaster Management LD6(2) Department, dated 08.02.2022 is as follows:

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Working of Divisional / District level Monitoring Committee as per G.O.(Ms). No.64, Revenue and Disaster Management LD6(2) Department, dated: 08.02.2022 Date:27.11.2023.							
S. No.	District	How many times Divisional Monitoring Committee meeting conducted from 08.02.2022 to till date	Number of complaints received during the said committee	Total Number of Complaints disposed so far	How many times District Monitoring Committee meeting conducted from 08.02.2022 to till	Number of complaints received during the said commit tee meetings	Total Number of Complaints disposed so far
1	Ariyalur	22	40	40	17	0	0
2	Chengalpattu	6	0	0	8	0	0
3	Chennai	15	40	30	11	28	18
4	Coimbatore	18	52	45	21	37	31
5	Cuddalore	21	55	27	7	7	2
6	Dharmapuri	16	35	13	15	112	102
7	Dindigul	42	0	0	5	0	0
8	Erode	41	204	204	19	63	63
9	Kallakurichi	26	102	78	7	10	9
10	Kancheepuram	27	29	29	10	23	16
11	Kanyakumari	23	247	211	9	0	0
12	Karur	35	0	0	15	0	0



13	Krishnagiri	27	0	0	22	0	0
14	Madurai	20	88	30	7	6	4
15	Mayiladuthurai	9	0	0	15	1	1
16	Nagapattinam	14	0	0	13	0	0
17	Nurakkal	24	8	3	17	0	0
18	Perambalur	17	99	99	21	43	43
19	Pudukottai	19	35	35	6	9	0
20	Ramanathapuram	10	0	0	14	0	0
21	Ramiper	6	9	9	10	5	5
22	Salem	36	137	119	20	1	1
23	Sivaganga	5	2	2	4	38	34
24	Tenkasi	5	73	47	6	9	2
25	Thanjavur	20	35	30	12	75	63
26	The Nilgiris	21	0	0	12	0	0
27	Therid	15	13	13	15	18	6
28	Theothukudi	2	0	0	9	0	0
29	Tirunelveli	21	137	84	21	20	20
30	Tiruppur	31	1	3	18	5	4
31	Tirupattur	5	9	8	15	5	5
32	Tiruvallur	9	5	0	20	0	0
33	Tiruvannamalai	21	0	0	12	0	0
34	Tiruvannur	2	0	0	4	10	4
35	Tiruchy	32	0	0	6	0	0
36	Vellore	25	254	254	22	12	12
37	Villupuram	3	0	0	7	0	0
38	Virudhunagar	62	75	15	9	0	0
	Total	764	1783	1418	462	533	445

8.The details of monitoring of eviction of encroachment in water bodies and other Government lands till December, 2023 is as follows:



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MONITORING OF EVICTION OF ENCROACHMENT IN WATER BODIES AND OTHER GOVERNMENT LANDS UNDER G.O.MS.NO 64, REVENUE DEPARTMENT DATED 08.02.2022 DECEMBER -2023									
Name of the District	EVICTION OF ENCROACHMENT IN WATER BODIES			EVICTION OF ENCROACHMENT IN OTHER GOVERNMENT PORAMBOKE LANDS			EVICTION OF ENCROACHMENT IN WATER BODIES AND OTHER GOVERNMENT PORAMBOKE LANDS		
	Total area identified under encroachment (Hec)	Area evicted till date (Hec)	Balance to be evicted (Hec)	Total area identified under encroachment (Hec)	Area evicted till date (Hec)	Balance to be evicted (Hec)	Total area identified under encroachment (Hec)	Area evicted till date (Hec)	Balance to be evicted (Hec)
Ariyalur	711.601	407.1617	304.4393	131.249	83.5396	45.7094	842.85	492.7013	350.1487
Chengalpattu	1721.985	660.864	1061.121	1832.161	1348.881	483.28	3554.146	2009.745	1544.401
Chennai	754.9543	122.2846	632.6697	262.3709	36.795	225.5759	1017.3252	139.0796	858.2456
Coimbatore	405.7209	142.2056	263.5153	331.1913	37.3694	193.8219	636.9122	179.573	457.3372
Cuddalore	733.7412	434.253	299.4882	698.279	238.8755	459.4035	1432.02	693.1285	738.8915
Dharmapuri	692.9874	299.175	393.8124	1377.619	374.879	1202.74	2270.6064	674.054	1596.5524
Dindigul	218.7857	187.678	31.1077	693.953	288.0708	405.8822	912.7387	475.7488	436.9899
Erode	202.9863	124.1293	78.857	1079.158	739.2766	339.8814	1282.1443	863.4059	418.7384
Kallakurichi	1628.99	581.063	1047.927	10.28	9.74	0.54	1039.27	590.803	1048.467



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Kanchipuram	760,872 3	555.6 157	174 3436	520,100 4	74,856 5	747,2437	1290.67 45	650,472 2	620,000 3
Kanyakumari	105,770 4	80.79 56	115 6748	9,098	0.0106	0.0001	190,000 4	80,015 2	115,945 9
Karur	834,769 3	314.9 801	5.80 32	45,7150	85,007 4	57,004	410,305 2	401,078 2	15,8927
Krishnangudi	1065,44 31	5,310 211	742 3143	5,8424	102.61 37	126,4161	174,429 2	500,043 8	103,435 6
Madurai	384,046 5	375.8 545	404 1475	37,4100	39,001	5,0345	500,007 7	105,005 2	515,01 6
Miyasadamangudi	50,227	9.55	17.9 57	105,005	1.004	105,401	101,732	1,001	105,178
Nagapattinam	45,681	59.53 73	56.0 127	340,701	94,754 7	25,0073	440,170	101,400	900,771
Namakkal	150,400 6	49.44 59	101 5037	341,001 1	1,814 4	500,620	101,128 7	600,000	601,000
Necombalur	140,214	81.75 3	60.7 84	10,000	15,000	0	65,000	40,000	60,100
Pudukottai	600,000	250.0 80	700 800	400,000	21,000 1	200,170	140,000	10,000	900
Ramanathapuram	170,000 8	120.0 401	50.0 100	60,000	10,000	10,000	100,000 1	100,000	07,000
Ramapat	572,000 5	20.0 100	100 1014	20,000	10,000 6	10,000	70,000 2	10,000 4	10,000 8
Raman	401,000 2	200.0 100	100 1001	401,000 2	10,000 60	25,000	100,000 2	10,000 2	100,000
Sivagangai	250,000	10.0 000	100 1000	100,000 9	10,000 30	25,000	100,000 4	100,000	100,000
Tenkasi	35,000	10.00 25	100 10	10,000	10,000	6,000	10,000	10,000	10,000
Thanjavur	100,000	100.0 80	100 100	10,000	1,000	10,000	100,000	10,000	100,000
The Nilgiris	10,000	10.0 10	10 10	10,000 2	10,000	10,000	10,000	10,000	10,000
Tiruchirappalli	350,000 6	20.0 000	100 100	100,000 44	20,000 7	100,000	100,000	100,000	100,000
Thoothukudi	300,000	10.01 1	100 101	10,000	10,000	10,000	10,000	10,000	10,000
Tirunelveli	10,000	10.00 1	10 10	10,000	10,000	10,000	10,000	10,000	10,000
Tiruppur	10,000	10.00 1	10 10	10,000	10,000	10,000	10,000	10,000	10,000
Tirupattinam	100,000 3	10.0 100	10 100	10,000 7	10,000	10,000	10,000	10,000	10,000
Tiruvallur	100,000 20	10.0 100	10 100	10,000 5	10,000	10,000	10,000	10,000	10,000



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Tiruvannamalai	1241.98 8	1184. 715	57.2 73	182.787	21,748	161.04	1424.77 5	1206.46 3	218.313
Tiruvarur	348.082 1	259.2 021	88.8 8	315.187 7	115.49 19	199.6958	663.269 8	374.694	288.575 8
Trichy	620.665 8	331.6 566	289. 0092	242.27	31.917 6	210.3524	862.935 8	363.574 2	499.361 6
Vellore	397.827 5	384.0 74	13.7 535	562.755 9	182.89 19	369.864	950.583 4	566.965 9	383.617 5
Villupuram	528.667 5	276.6 494	252. 0181	21.615	5.105	16.51	550.282 5	281.754 4	268.528 1
Virudhunagar	62.1635	39.18 61	22.9 774	17.8645	13.199 4	4.6651	80.028	52.3855	27.6425
Total	19884. 52091	9858. 223	1002 6.29 791	20350.2 7639	4987.9 251	15362.9 6489	40234. 7382	14843. 9777	25390. 7648

9. In the status report, it is further stated that an extent of 19884.52091 hectares were identified under encroachment, out of which 9858.223 hectares were evicted and the remaining extent of 10026.29791 is under the process of eviction and is monitored during regular D.R.O's review meeting. A detailed circular bearing instructions, procedures and guidelines to be followed was issued vide Circular in T3/669179/2023, dated 26.02.2024 to all the District Collectors so as to communicate it to the Divisional / District Level Committee members and the details of the instructions read as follows:

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a.The competent authority on receipt of petition received under G.O.Ms.No.64, Revenue and Disaster Management Department, LD.6(2), Secretariat, Chennai, dated 08.02.2022 shall dispose the complaints / representations / informations and register complaints, wherever required within a period of 12 Weeks from the date of receipt of the same.

b.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, the Monitoring Authority shall initiate Disciplinary action against the erring officials.

c.The status of the complaints / representations or information regarding the encroachments of Government lands, public properties, water bodies etc should be uploaded in the District Administration Website. The Divisional Monitoring Committee/ District Monitoring Committee shall monitor the petitions received from the respective departments and shall upload the details of the same in the District Administration Website. The details to be uploaded in the District Website is annexed herewith.

d.The Divisional Monitoring Committee/ District Monitoring Committee shall convene meeting every month and ensure that the petitions/complaints received are disposed within a period of 12 weeks from the date of receipt.



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e.The District Collectors are instructed to monitor the progress of the eviction and upload High resolution photos of eviction in the Google Drive.

f.The Divisional Monitoring Committee should scrutinize the village records maintained by the Village Administrative Officers, and ensure that the encroachments reported in the respective fasli have been evicted. The Divisional Monitoring Committee shall review and maintain a separate register to keep track on the progress of eviction carried out and also to issue necessary instructions to their subordinate officials for prevention of new encroachments.'

10.In the status report, it is further stated that the Chief Secretary has reviewed the progress of eviction during all Secretaries meeting to protect the Government lands, as per G.O.Ms.No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)', dated 08.02.2022. Further, it is seen from the status report that 25390.7648 hectares of land are still to recover from the said encroachers.

11.As per the particulars provided, it is reported that there are still 10026.29791 hectares of lands pertaining to water bodies are not recovered from the encroachers. Despite several directions/orders have been passed by this Court, it is still reported that some encroachments



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remain un-recovered. Hence, the Chief Secretary to the Government shall take decisive measures by conducting periodical meetings with the authorities concerned to remove the remaining encroachments and to implement robust monitoring mechanisms to prevent future encroachments at the earliest. In view of the above, we are of the view that the Government has to take necessary efforts to recover the possession of the abovesaid lands and restore the same to the concerned Department from the encroachers without any further delay. Further, according to the learned Government Pleader, the details of the Government lands, over which encroachment have also been uploaded in the website.

12.On coming to the present case on hand, the third respondent has stated that with regard to Survey No.264/22, it is a Natham poramboke land and there is no encroachment and with regard to Survey No.266, there are so many sub-divisions and the same belong to the private parties, except the sub-division in Survey No.266/33 which is classified as a 'பாறை' , in which there is no encroachment on the said property. Therefore, the relief sought for by the petitioner cannot be granted. If the petitioner is still having any grievance, he can approach the appropriate forum and work out his remedy in the manner known to law.

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[D.K.K.,J.] [R.V.,J.]
14.03.2024

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Index : Yes / No
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To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Srirengam Revenue Division,
Vannankovil,
Trichy District.
- 3.The Tahsildar,
Srirengam Taluk,
Trichy District.
- 4.The Block Development Officer (Village Panchayat)/
Monitoring Committee,
Manikandam Union,
Srirengam Taluk,
Trichy District.
- 5.The President,
Thayanur Village Panchayat,
Manikandam Union,
Srirengam Taluk, Trichy District.

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
W.P(MD)No.5412 of 2024

DATED : 14.03.2024