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W.P.No.1609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P.No.1609 of 2023

K.C.Selvaraman

.. Petitioner

VS

1.The Government of Tamil Nadu
Rep. By Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2.The District Collector,
Thiruvallur District.

3.The Revenue Divisional Officer (RDO),
Ponneri.

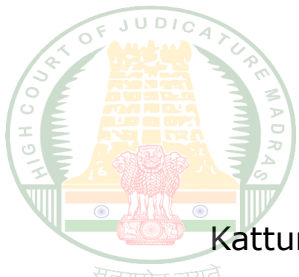
4.The Thasildar,
Ponneri Taluk, Ponneri.

5.The Block Development Officer,
Minjur Block, Ponneri Taluk,
Thiruvallur District.

6.K.Kasi

.. Respondents

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 herein to remove the illegal encroachments made by the 6th respondent in Kattur Panchayat Hospital lands measuring 2.16 acres comprised in Survey Nos. 174/2 and 188/1 of



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Kattur Village, Ponneri Taluk, Thiruvallur District and to build Hospital Block thereon, within the time frame fixed by this Court.

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For Petitioner : Mr.S.Shanmugasundaram
For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R5
No appearance for R6

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.S.Shanmugasundaram, learned counsel on record for writ petitioner and Mr.M.S.Arasakumar, learned Government Advocate for R1 to R5 are before this Court. As regards R6/private respondent, he has entered appearance through counsel and names of the counsel [Mr.R. Krishnaswamy, Mr.V.Ajoy Khose, Mr.G.Vivekanandan] have been duly shown in the cause list but there is no representation for R6 either in physical Court or on VC (Video Conferencing) Platform. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court.



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3. Adverting to representation dated 03.06.2022 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment to an extent of 2.16 acres comprised in 'Survey Nos. 174/2 and 188/1 of Kattur Village, Ponneri Taluk, Thiruvallur District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 before us. To be noted, R6 is a private respondent.

4. Considering the facts and circumstances of the case in juxtaposition with G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 {hereinafter 'said GO' for the sake of convenience} which puts in place a removal of encroachment procedure *inter-alia* giving opportunity to alleged encroacher, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua alleged encroacher i.e., R6.

5. It was submitted by learned State counsel that said GO 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.



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6. 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, Ponneri (R3) *qua* said GO.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

8. The Divisional Monitoring Committee *qua* said GO shall (if it comes to the conclusion that there is encroachment) report the encroachment to appropriate authorities concerned for further action (for removal of encroachment). 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 their own merits and in accordance with law untrammelled by this proceedings in this Court. The entire exercise shall be completed within a period of 14 weeks from today *i.e.*, by 29.09.2025.

9. It is open to the writ 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 is any change of circumstances.



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10. 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.

11. 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.) (R.S.V.,J.)
23.06.2025

Index : Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District.
- 3.The Revenue Divisional Officer,
Ponneri.
- 4.The Thasildar,
Ponneri Taluk, Ponneri.
- 5.The Block Development Officer,
Minjur Block, Ponneri Taluk, Thiruvallur District.



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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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