



WEB COPY



WMP No. 5497 of 2025 in WP No. 33832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2025

CORAM

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

**WMP No. 5497 of 2025
in
WP No. 33832 of 2024**

1. G.Babu

S/o.P.Govindharaj,

No.4/2, Balaji Nagar Extension,

Kodugaiyur, Chennai-118

... Petitioner

Vs

1. The District Collector

Chennai District, No.62, 4th Floor, Rajaji Salai,

Beach Road George Town, Chennai-600 001.

2.The Commissioner

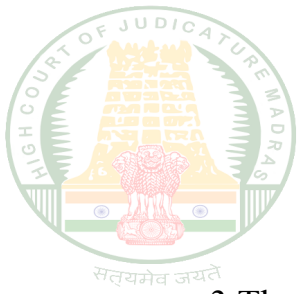
Hindu Religious And Charitable Endowments

Department,

No.119, Mahatma Gandhi Salai,

Thousand Lights, Nungambakkam,

Chennai-600 034.



WMP No. 5497 of 2025 in WP No. 33832 of 2024

3. The Chief Minister Cell Special Department,
Secretariat, Chennai-600 009.

4. The Corporation Commissioner
Greater Chennai Corporation, Ribbon Building
Perimet, Chennai-600 003.

5. The Executive Engineer
Greater Chennai Corporation, Zone-4 No.226,
Tondiarpet High Road, Chennai-600 021.

6. RAJU
Door No.5, 3rd Cross Street,
Solaiamman Kovil
(Based on Chennai Corporation Property Tax
Record) 3rd Street, Koyyathoppu
Block No.3, Kodugaiyur, Chennai-600 118

7. JAYA
W/o. Raju, Door No.5, 3rd Cross Street,
Solaiamman Kovil
(Based On Chennai Corporation Property Tax
Record)
3rd Street, Koyyathoppu
Block No.3, Kodugaiyur, Chennai-600 118

... Respondent(s)

PRAYER: To modify the order dated 19.11.2024 passed in WP.No. 33832 of 2024 in Para No.11 by directing the jurisdictional Divisional Monitoring Committee headed by Revenue Divisional Officer, Chennai Central to examine if there is any encroachment qua said land and if it



WMP No. 5497 of 2025 in WP No. 33832 of 2024

comes to the conclusion that there is an encroachment, the encroachment has to be reported for further action and removal within a period of 4 weeks.

For Petitioner: Mr. V.Balasubramani

For Respondents: Mr.T.K.Saravanan
Additional Government Pleader
for R1 and R3

Mr.N.R.R.Arun Natarajan
Special Govt. Pleader (HR &CE)
for R2

Mr.A.C.Mani Bharathi
for R4 and R5

ORDER

(Order of the Court was made by M.Sundar J.)

Captioned 'Writ Miscellaneous Petition' has been filed with a modification prayer qua order dated 19.11.2024 made in W.P.No.33832 of 2024, which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024



WEB COPY



WMP No. 5497 of 2025 in WP No. 33832 of 2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33832 of 2024

Mr.G.Babu

S/o.P.Govindharaj

... Petitioner

Vs.

1. *The District Collector*
Chennai District
No.62, 4th Floor, Rajaji Salai
Beach Road, George Town
Chennai – 600 001
2. *The Commissioner*
Hindu Religious and Charitable Endowments Department
No.119, Mahatma Gandhi Salai
Thousand Lights, Nungambakkam
Chennai – 600 034
3. *The Chief Minister Cell Special Department*
Secretariat
Chennai – 600 009
4. *The Corporation Commissioner*
Greater Chennai Corporation
Ribbon Building, Perimet
Chennai – 600 003
5. *The Executive Engineer*
Greater Chennai Corporation
Zone-4, No.226
Tondiarpet High Road



WMP No. 5497 of 2025 in WP No. 33832 of 2024

Chennai – 600 021

WEB COPY 6.

Mr.Raju

7. Mrs.Jaya

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 5 to consider the representations of the petitioner dated 16.09.2024 and 25.09.2024 and direct the respondents 1 to 5 to remove the temple run by the 6th and 7th respondents by occupying the public road illegally and unauthorizedly by fixing a stipulated time.

For Petitioner : Mr.V.Balasubramani

*For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 & R3
Mr.N.R.R.Arun Natarajan
Spl. Govt. Pleader (HR & CE)
for R2
Mr.A.C.Mani Bharathi
for R4 and R5*

ORDER

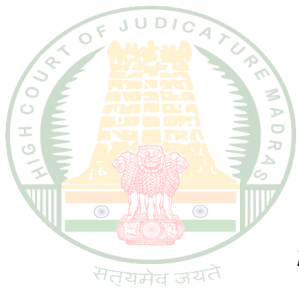
[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Writ Petition'

['WP' for the sake of brevity].

2. Mr.V.Balasubramani, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 16.09.2024 and 25.09.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in 'public



WMP No. 5497 of 2025 in WP No. 33832 of 2024

WEB COPY

road in Block No.3, Koyyathoppu, 3rd Street, Kodungaiyur, Chennai – 600 118' [hereinafter 'said public road' for the sake of convenience and clarity] by R6 and R7 before us. To be noted, R6 and R7 are private respondents.

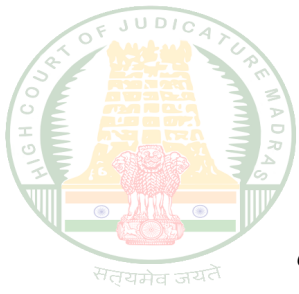
4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R5) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R6 & R7.

5. Issue notice to official respondents i.e., R1 to R5.

6. Mr.M.S.Arasa Kumar, learned Government Advocate accepts notice for R1 and R3, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) accepts notice for R2 and Mr.A.C.Mani Bharathi, learned counsel accepts notice for R4 and R5.

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 State counsel 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



WMP No. 5497 of 2025 in WP No. 33832 of 2024

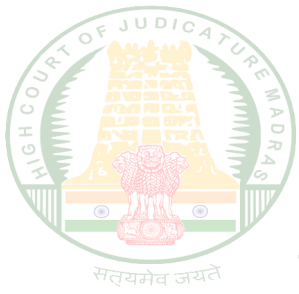
WEB COPY

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, Chennai Central, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

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 (R6 & R7) 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



WMP No. 5497 of 2025 in WP No. 33832 of 2024

WEB COPY

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).

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.'



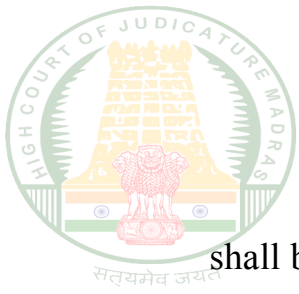
WMP No. 5497 of 2025 in WP No. 33832 of 2024

WEB COPY

2. Mr.V.Balasubramani, learned counsel for WMP petitioner submits that there is inaction on the part of Divisional Monitoring Committee.

3. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for R2, Mr.A.C.Mani Bharathi, learned counsel for R4 and R5 (Greater Chennai Corporation) and Mr.T.K.Saravanan, learned Additional Government Pleader for R1 and R3 are before us.

4. Mr.T.K.Saravanan, learned Additional Government Pleader submits, on instructions, that some delay has occurred owing to bifurcation of territorial limits and the matter is now with the Divisional Monitoring Committee headed by Revenue Divisional Officer (North). Learned State counsel submits, on instructions, that the monitoring committee will commence the process of issuing notices to all concerned within one week from today i.e., by 25.03.2025 and conclude its proceedings within 12 weeks therefrom i.e., by 17.06.2025. This submission is recorded and this Court makes it clear that this submission



WMP No. 5497 of 2025 in WP No. 33832 of 2024

shall be treated as an undertaking given to the Court.

WEB COPY

5. The instant order shall be read as an addenda to 19.11.2024 order in W.P.No.33832 of 2024, which has been reproduced supra.

6. This Court is not passing any orders touching upon the rights of R6 and R7 (private respondents) much less adverse to R6 and R7. Therefore, notice to R6 and R7 in WMP is dispensed with. It is also made clear that all the rights and contentions of R6 and R7 as well as writ petitioner will remain preserved when they are visited with notice and in the proceedings before Divisional Monitoring Committee.

7. As this is a case where learned State counsel submits that there has been some delay on the part of monitoring committee owing to bifurcation, we entertain this modification petition. Therefore, it is made clear that this order in captioned modification petition will not serve as a precedent.



WMP No. 5497 of 2025 in WP No. 33832 of 2024

WEB COPY

8. Captioned WMP disposed of as closed recording the
aforementioned stated position of learned State counsel. There shall be
no order as to costs.

[M.S.,J.] [K.R.S.,J.]

18-03-2025

gpa

To

1. The District Collector
Chennai District
No.62, 4th Floor, Rajaji Salai
Beach Road, George Town
Chennai – 600 001
2. The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Mahatma Gandhi Salai
Thousand Lights, Nungambakkam
Chennai – 600 034
3. The Chief Minister Cell Special Department
Secretariat, Chennai – 600 009
4. The Corporation Commissioner
Greater Chennai Corporation
Ribbon Building, Perimet
Chennai – 600 003
5. The Executive Engineer
Greater Chennai Corporation
Zone-4, No.226, Tondiarpet High Road
Chennai – 600 021
6. The Revenue Divisional Officer
Chennai Central



WEB COPY



WMP No. 5497 of 2025 in WP No. 33832 of 2024

M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

gpa

7. The Revenue Divisional Officer
Chennai North

WMP No. 5497 of 2025

in

WP No. 33832 of 2024

18.03.2025