



W.P.No.5128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.5128 of 2023

S.Mathiyalagan

... Petitioner

Vs.

1.The District Collector,
Thiruvallur Taluk,
Thiruvallur District – 602 001.

2.The Revenue Divisional Officer (RDO),
Thiruvallur Taluk,
Thiruvallur District – 602 001.

3.The District Revenue Officer (DRO),
Thiruvallur Taluk,
Thiruvallur District – 602 001.

4.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District – 602 001.

5.Shanthi

6.Thilak Kumar

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the fourth respondent in proceedings

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Na.Ka.No.3854/2022/AA2 dated 10.01.2023 and to quash the same as illegal, incompetent and without jurisdiction and to further direct respondents 1 to 4 to remove the encroachment made by the 5th and 6th respondents in public pathway comprised in S.No.253/1 admeasuring 92 cents and in Survey No.253/9 admeasuring 62 cents and 253/10, admeasuring 16 cents.

For Petitioner : Mr.Avinash Wadhwani
for Ms.V.Srimathi

For Respondents : Mr.K.Suresh,
Government Advocate for R1 to R4
Mr.R.Selvakumar for R6
No appearance for 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.Avinash Wadhwani, learned counsel representing Ms.V.Srimathi, learned counsel on record for writ petitioner, Mr.K.Suresh, learned Government Advocate for R1 to R4 and Mr.R.Selvakumar, learned counsel for R6 are before us. Though R5 has been duly served and name and address of R5 has been printed in the



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cause list, there is no representation for R5 either in physical Court or on VC (Video Conferencing) platform.

3. Adverting to representations dated 08.11.2022, 21.11.2022 and 26.12.2022 from the writ petitioner, learned counsel for writ petitioner submitted that there is encroachment in 'public pathway comprised in S.No.253/1 admeasuring 92 cents, Survey No.253/9 admeasuring 62 cents and Survey No.253/10, admeasuring 16 cents, Keezhanur Village, Thiruvallur District' [hereinafter 'said land' for the sake of convenience and clarity]. To be noted, R5 and R6 are private respondents

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 encroachers/R5 and R6, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua alleged encroachers/R5 and R6.



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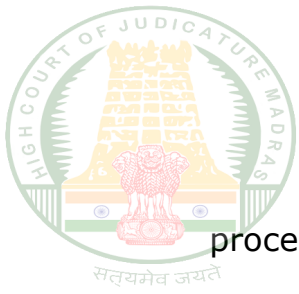
5. It was submitted by learned State counsel that said GO has been put in place, wherein and whereby Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system *qua* Government lands.

6. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by R2 (Revenue Divisional Officer, Thiruvallur Taluk, Thiruvallur District) *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 encroachers/R5 and R6 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

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proceedings in this Court. The entire exercise shall be completed within a period of 14 weeks from today *i.e.*, by 20.10.2025.

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.

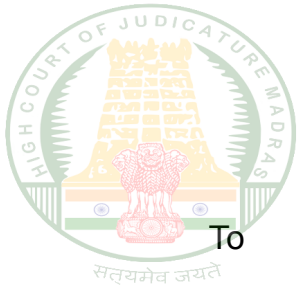
10. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to 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.) (H.C.,J.)
14.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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