



W.P.No.7362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.03.2025

CORAM

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

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

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T.Kala

W/o.Thiruvengadam

... Petitioner

VS

1.The Secretary

Revenue and Disaster Management Department
Government of Tamil Nadu
Chennai – 600 009

2. The District Collector

Office of Collectorate
Tiruvallur District – 601 203

3. The Chairman

Minjur Town Panchayat
Minjur, Tiruvallur District – 601 203

4. The Executive Officer

Minjur Town Panchayat
Minjur, Tiruvallur District – 601 203

5. Kalaiselvi

W/o.Rathanajothi

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6. R.Vasantha
W/o.Ramanujam

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 3rd and 4th respondents to remove the encroachment made in the 40 feet public road, Murali Nagar, Minjur Town Panchayat, Ponneri Taluk, Tiruvallur District by Respondents 5 and 6 based on the petitioner's representation dated 10.12.2024.

For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.M.S.Arasakumar
Govt. Advocate for R1 and R2

Mr.T.K.Saravanan
Addl.Govt.Pleader for R3 and R4

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].



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2. Mr.P.Satheesh Kumar, learned counsel on record for writ petitioner is before us.

3. Adverting to representation dated 10.12.2024, Mr.P.Satheesh Kumar, learned counsel for writ petitioner submitted that there is alleged encroachment in '40 feet public road, Murali Nagar, Minjur Town Panchayat, Ponneri Taluk, Tiruvallur District ' [hereinafter 'said land' for the sake of convenience and clarity] by R5 and R6 before us. To be noted, R5 and R6 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 R4) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R5 and R6.

5. Issue notice to official respondents i.e., R1 to R4.

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice



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for R1 and R2 and Mr.T.K.Saravanan, learned Additional Government

WEB.COM Pleader accepts notice for R3 and R4.

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 Government Advocate 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 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 the Revenue Divisional Officer, Old Taluk Office Road, Ponneri – 601 204, qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land



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Disposal Wing, dated 08.02.2022.

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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 (R5 and R6) 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.



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WEB COPY 11. The Divisional Monitoring Committee qua 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). The entire exercise shall be completed within a period of 12 weeks from today i.e., by 28.05.2025.

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.



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14. 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.)

(K.G.T.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

gpa

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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