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W.P.Nos.10646 of 2023 and 3147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.Nos.10646 of 2023 and 3147 of 2024
and
W.M.P.No.3531 of 2024 in W.P.No.3147 of 2024

W.P.No.10646 of 2023

1.Manimegalai
2.Mohana

.. Petitioners

VS

- 1.The District Collector,
Chennai District Collector Office, Chennai-1.
- 2.The Chief Engineer,
Public Works Department
Water Resources Organization,
Ezhilagam, Chepauk, Chennai-05.
- 3.The Regional / Deputy Commissioner (North)
Chennai Corporation,
No.62, Basin Bridge Road,
Chidambaram Nagar, Basin Bridge,
Chennai-01.
- 4.The Revenue Divisional Officer,
Revenue Tribunal,
Central Chennai Revenue Division,
Chennai-01.
- 5.The Zonal Officer,
Zone VII, Chennai Corporation Office,
Ambattur, Chennai-53.



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6.The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-53.

7.The Assistant Commissioner of Police,
Ambattur Police Range, Ambattur,
Chennai-53.

8.Mannathan

9.Dhanasekaran

.. Respondents

W.P.No.3147 of 2024

Manimegalai

.. Petitioner

VS

1.The District Collector,
Chennai District Collector Office, Chennai-1.

2.The Commissioner,
Chennai Corporation, Ripon Building,
Chennai - 600 003.

3.The Regional / Deputy Commissioner (North)
Chennai Corporation ,
No.62, Basin Bridge Road,
Chidambaram Nagar, Basin Bridge,
Chennai-01.

4.The Revenue Divisional Officer,
Revenue Tribunal,
Central Chennai Revenue Division,
Chennai-01.

5.The Zonal Officer,
Zone VII, Chennai Corporation Office,
Ambattur, Chennai-53.

6.The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai-53.



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7.The Commissioner of Police,
Avadi Police Commissioner Office,
Avadi, Chennai - 600 054.

8.Mannathan

9.Dhanasekaran

.. Respondents

Prayer in W.P.No.10646 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing 1st to 5th respondents to consider and thereby disposing the representations made by petitioner on 20.09.2022 and 07.11.2022 and directing 1 to 7 respondents for to conduct the survey and to evict all types of encroachments if any made on Government water bodies property and Government properties at Chennai District, Old Thiruvallur District, Ambattur Taluk, Chennai Corporation Zone 7, Kallikuppam Madura, Korattur Village survey below as per Revenue Records classified as Stream:

- 1.Survey No & letter. 748/8A1B, Survey Field No. 233/3, As Per revenue record classified as Stream
- 2.Survey No & letter 742/2pt, Survey Field No 17, As per Revenue Record classified as Stream
- 3.Survey No & letter 742/2pt, Survey Field No 18, As per Revenue Record classified as Stream
- 4.Survey No. & letter 742/2pt, Survey Field No 20, As per Revenue Record classified Stream
5. Survey No & letter 742/2pt, Survey Field No 20, As per Record classified as Stream
- 6.Survey No & letter 742/2pt, Survey Field No 22, As per Revenue Record classified as Stream
- 7.Survey No & letter 742/2pt, Survey Field No 29, As per Revenue Record classified as Stream
- 8.Survey No & letter 742/2pt, Survey Field No 30, As per Revenue Record classified as Stream
- 9.Survey No & letter 742/2pt, Survey Field No 32, As per Revenue Record classified as Stream
- 10.Survey No & letter 742/2pt, Survey Field No 33, As per Revenue Record classified as Stream
- 11.Survey No & letter 742/2pt, Survey Field No 34, As per Revenue Record classified as Stream
- 12.Survey No & letter 742/2pt, Survey Field No 36, As per Revenue



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Record classified as Stream

13.Survey No & letter 742/2pt, Survey Field No 37, As per Revenue

Record classified as Stream

14.Survey No & letter 742/2pt, Survey Field No 38, As per Revenue

Record classified as Stream

15.Survey No & letter 742/2pt, Survey Field No 41, As per Revenue

Record classified as Stream

16.Survey No & letter 742/2pt, Survey Field No 57, As s per

Revenue Record classified as Stream

17.Survey No & letter 742/2pt, Survey Field No 58, As per Revenue

Record classified as Stream

18.Survey No & letter 742/2pt, Survey Field No 107/3, As per

Revenue Record classified as Stream

19.Survey No & letter 742/2pt, Survey Field No 119, As per

Revenue Record classified as Stream

20.Survey No & letter 742/2pt, Survey Field No 120, As per

Revenue Record classified as Stream

21.Survey No & letter 742/2pt, Survey Field No 121, As per

Revenue Record classified as Stream

22.Survey No & letter 742/2pt, Survey Field No 122, As per

Revenue Record classified as Stream

23.Survey No & letter 742/2pt, Survey Field No 123, As per

Revenue Record classified as Stream

24.Survey No & letter 755/2pt, Survey Field No 233/2, As per

Revenue Record classified as Battai (pathway)

25.Survey No & letter 742/2pt, Survey Field No 16/3, As per

Revenue Record classified as Battai (pathway)

26.Survey No & letter 735/2pt, Survey Field No 107/2, As per

Revenue Record classified as Battai (pathway)

27.Survey No & letter 755/2pt, Survey Field No 116/2, As per

Revenue Record classified as Battai (pathway)

28.Survey No & letter 755/2pt, Survey Field No 117/2, As per

Revenue Record classified as Battai (pathway)

29.Survey No & letter 755/2pt, Survey Field No 118/2, As per

Revenue Record classified as Battai (pathway)

30.Survey No & letter 743/1Bpt, Survey Field No 7, As per Revenue

Record classified as Tamilnadu Government

31.Survey No & letter 743/1Bpt, Survey Field No 8, As per

Revenue Record classified as Tamilnadu Government

32.Survey No & letter 743/1Bpt, Survey Field No 9/1, As per

Revenue Record classified as Tamilnadu Government

33.Survey No & letter 742/1pt, Survey Field No 42, As per Revenue

Record classified as Tamilnadu Government

34.Survey No & letter 739/1pt, Survey Field No 52, As per Revenue

Record classified as Tamilnadu Government

35.Survey No & letter 740/1pt, Survey Field No 53/1, As per

Revenue Record classified as Tamilnadu Government



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- 36.Survey No & letter 742/1pt, Survey Field No 54, As per Revenue Record classified as Tamilnadu Government
- 37.Survey No & letter 742/1pt, Survey Field No 55, As per Revenue Record classified as Tamilnadu Government
- 38.Survey No & letter 742/1pt, Survey Field No 56, As per Revenue Record classified as Tamilnadu Government
- 39.Survey No & letter 741/1A Survey Field No 60, As per Revenue Record classified as Tamilnadu Government
- 40.Survey No & letter 741/1Apt, Survey Field No 61, As per Revenue Record classified as Tamilnadu Government
- 41.Survey No & letter 737/1Apt, Survey Field No 69/2, As per Revenue Record classified as Tamilnadu Government
- 42.Survey No & letter 737/1Apt, Survey Field No 70/2, As per Revenue Record classified as Tamilnadu Government
- 43.Survey No & letter 737/1Apt, Survey Filed No 71/2, As per Revenue Record classified as Tamilnadu Government
- 44.Survey No & letter 735/2B, Survey Field No 71/2, As per Revenue Record classified as Tamilnadu Government
- 45.Survey No & letter 735/4pt, Survey Field No 84, As per Revenue Record classified as Tamilnadu Government
- 46.Survey No & letter 735/4pt, Survey Field No 85, As per Revenue Record classified as Tamilnadu Government
- 47.Survey No & letter 733/1pt, 1 735/3Apt,4pt, 740/2pt, Survey Field No 88/2, As per Revenue Record classified as Tamilnadu Government
- 48.Survey No & letter 735/4pt, Survey Field No 91/2, As per Revenue Record classified as Tamilnadu Government
- 49.Survey No & letter 735/4pt, Survey Field No 92, As per Revenue Record classified as Tamilnadu Government and
- 50.Survey No & letter 742/2pt, Survey Field No 124.

Prayer in W.P.No.3147 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing respondents 2, 3 and 5 at Chennai District, Old Thiruvallur District Ambattur Taluk, Chennai Corporation Zone 7, Kallikuppam Madura, Korattur Village, Survey No 756 / 2A, New Survey No. 756 /2A2 Part T.S. No 11/1, Ward - E Block No 15 vide Patta RPT. No 11472 / 2013 Measuring an extent of 0.125 Square Meter of Patta land and not to interfere with the peaceful possession and enjoyment of above said property without due process of law.



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For Petitioner(s) : Mr.K.Venkateswaran
for Mr.D.Parthiban
in W.P.No.10646 of 2023

Mr.K.Venkateswaran
for Mr.K.Yuvaraj
in W.P.No.3147 of 2024

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R4, R6 and R7
in both WPs
Mr.E.C.Ramesh,
Standing Counsel for R5
in both WPs

COMMON ORDER

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

This common order will now dispose of the captioned 'Writ Petitions' ['WPs' for the sake of brevity].

2. 'W.P.No.10646 of 2023' (hereinafter 'I WP' for the sake of brevity) has been filed with Removal of Encroachment (RoE) prayer and 'W.P.No.3147 of 2024' (hereinafter 'II WP' for the sake of brevity) has been filed with a prayer to protect writ petitioner's possession.

3. Subject matter of I WP is 07.11.2022 representation and advertent to this 07.11.2022 representation, Mr.K.Venkateswaran, learned counsel representing the counsel on record for writ



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petitioners in I WP submitted that there is alleged encroachment in the following survey numbers in Korattur Village, Chennai Corporation Zone VII, Ambattur Taluk, Chennai District:

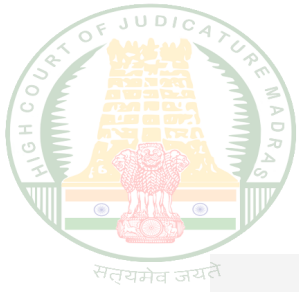
Serial No	Old Survey No & letter	Survey Field No	As Per Revenue Records
01	748/8A1B	233/3	Stream
02	742/2pt	17	Stream
03	742/2pt	18	Stream
04	742/2pt	20	Stream
05	742/2pt	21	Stream
06	742/2pt	22	Stream
07	742/2pt	29	Stream
08	742/2pt	30	Stream
09	742/2pt	32	Stream
10	742/2pt	33	Stream
11	742/2pt	34	Stream
12	742/2pt	36	Stream
13	742/2pt	37	Stream
14	742/2pt	38	Stream
15	742/2pt	41	Stream
16	742/2pt	57	Stream
17	742/2pt	58	Stream
18	742/2pt	107/3	Stream
19	742/2pt	119	Stream
20	742/2pt	120	Stream
21	742/2pt	121	Stream
22	742/2pt	122	Stream
23	742/2pt	123	Stream
24	755/pt.	233/2	Battai(pathway)
25	742/2pt	16/3	Battai(pathway)
26	735/2pt	107/2	Battai(pathway)
27	755/2pt	116/2	Battai(pathway)
28	755/2pt	117/2	Battai(pathway)
29	755/2pt	118/2	Battai(pathway)
30	743/1Bpt	7	Tamilnadu Government



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31	743/1Bpt	8	Tamilnadu Government
32	743/1Bpt	9/1	Tamilnadu Government
33	742/1pt	42	Tamilnadu Government
34	739/1pt	52	Tamilnadu Government
35	740/1pt	53/1	Tamilnadu Government
36	742/1pt	54	Tamilnadu Government
37	742/1pt	55	Tamilnadu Government
38	742/1pt	56	Tamilnadu Government
39	741/1Apt	60	Tamilnadu Government
40	741/1Apt	61	Tamilnadu Government
41	737/1Apt	69/2	Tamilnadu Government
42	737/1Apt	70/2	Tamilnadu Government
43	735/2Bpt	71/1	Tamilnadu Government
44	735/2B	71/2	Tamilnadu Government
45	735/4pt	84	Tamilnadu Government
46	735/4pt	85	Tamilnadu Government



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47	733/1pt, 735/3Apt 4pt, 740/2pt	88/2	Tamilnadu Government
48	735/4pt	91/2	Tamilnadu Government
49	735/4pt	92	Tamilnadu Government
50	742/2pt	124	Stream

Lands comprised in aforesaid survey numbers shall be referred to as 'I WP said lands' for the sake of convenience and clarity.

4. Subject matter of II WP is 'lands measuring 0.125 square metres in Survey No 756 / 2A, New Survey No. 756 /2A2 Part T.S. No 11/1, Ward - E Block No 15 vide Patta RPT. No 11472 / 2013 in Korattur Village, Kallikuppam Madura, Chennai Corporation Zone 7, Ambattur Taluk, Old Thiruvallur District, Chennai District' (hereinafter 'II WP said lands' for the sake of convenience and clarity).

5. While writ petitioners in captioned WPs allege that private respondents/R8 and R9 are encroachers qua I WP said lands, one of the private respondents viz., R8 [Mr.Mannathan, S/o.Mr.Kanniyappan Naicker] had earlier filed a writ petition in W.P.No.26124 of 2021 alleging that second writ petitioner in I WP



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(Ms.Mohana, W/o.Late Mr.Pandiyan) is encroacher qua II WP said lands.

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6. As regards earlier writ petition being W.P.No.26124 of 2021, it came to be disposed of by another Hon'ble Division Bench by an order dated 08.12.2021, inter-alia directing the jurisdictional Revenue Divisional Officer to dispose of the representation dated 30.09.2021 within a time frame. Thereafter, a contempt petition being Cont.P.No.2382 of 2022 alleging violation of 08.12.2021 order in W.P.No.26124 of 2021 was filed. In the contempt petition, an Advocate Commissioner was appointed and the Advocate Commissioner has filed a report dated 07.08.2023. The contempt petition is pending.

7. In the light of two sets of parties alleging each other to be encroachers qua Government lands, we deem it appropriate to resort to 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 has been put in place after the order dated 08.12.2021 in earlier writ petition in W.P.No.26124 of 2021 and also prior to filing of Cont.P.No.2382 of 2022(filed on 15.09.2022).



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8. This Court is acutely conscious that the private respondents/R8 and R9 in both the captioned WPs are not before this Court. We preserve all the rights and contentions of the private respondents/R8 and R9 in both captioned WPs when proceedings/enquiry vide said GO is kickstarted. It is made clear that this order will not impact the rights of the private respondents/R8 and R9 in any manner. On the contrary, it preserves all the rights and contentions of private respondents/R8 and R9 as alluded to earlier. Therefore, we dispense with notice to private respondents/R8 and R9 and take up the main WPs and dispose of the same.

9. Considering the facts and circumstances of the case in juxtaposition with said GO which puts in place a removal of encroachment procedure *inter-alia* giving opportunity to alleged encroacher, we are of the view that the captioned WPs can be disposed of by putting in a safety valve / adequate protection qua alleged encroachers i.e., R8 and R9.

10. It was submitted by learned State counsel that said GO has been put in place, wherein and whereby Divisional Monitoring



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Committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system *qua* Government lands.

11. 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, Central Chennai Revenue Division, Chennai-01 *qua* said GO.

12. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* I WP said lands and II WP said lands.

13. 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 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 16 weeks from today *i.e.*, by 21.10.2025.



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14. It is open to the writ petitioners 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.

15. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* I WP said lands and II WP said lands 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.

16. Captioned WPs are 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.)
01.07.2025

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

- 1.The District Collector,
Chennai District Collector Office, Chennai-1.
- 2.The Chief Engineer,
Public Works Department
Water Resources Organization,
Ezhilagam, Chepauk, Chennai-05.
- 3.The Regional / Deputy Commissioner (North)
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- 7.The Assistant Commissioner of Police,
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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