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W.P. No.11578 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.11578 of 2025

R. Alexander Paul

Petitioner

vs.

1. The District Collector
Thiruvallur District
Thiruvallur 602 001
2. The Tahsildar
Avadi Taluk
Avadi
Chennai 600 054
3. The Taluk Surveyor
Avadi Taluk
Avadi
Chennai 600 054
4. The Revenue Inspector
Avadi Taluk
Avadi
Chennai 600 054
5. Hematha
Encroacher of "Government Thoppu"
Ward – D, Block 4, North Car Street
Ettiyamman Nagar
Thirumullaivoyal Village
Avadi Taluk

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Thiruvallur District 600 062

6. Raja Mohammed
Encroacher of "Government Thoppu"
Ward – D, Block 4, North Car Street
Ettiyamman Nagar
Thirumullaivoyal Village
Avadi Taluk
Thiruvallur District 600 062

7. Mohammed
Encroacher of "Government Thoppu"
Ward – D, Block 4, North Car Street
Ettiyamman Nagar
Thirumullaivoyal Village
Avadi Taluk
Thiruvallur District 600 062

8. Sureshkumar
Encroacher of "Government Thoppu"
Ward – D, Block 4, North Car Street
Ettiyamman Nagar
Thirumullaivoyal Village
Avadi Taluk
Thiruvallur District 600 062

9. Sujatha
Encroacher of "Government Thoppu"
Ward – D, Block 4, North Car Street
Ettiyamman Nagar
Thirumullaivoyal Village
Avadi Taluk
Thiruvallur District 600 062

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the illegal encroachment made by respondents 5 to 9 on the



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"Government Thoppu" comprised in Town Survey No.13, Block No.4 situate at North Car Street, Ettiyamman Nagar, Thirumullaivoyal Village, Avadi Taluk, Thiruvallur District on the basis of the petitioner's representation dated 23.05.2024 within a time frame.

For petitioner Mr. V. Ramana Reddy

For RR 1 to 4 Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

This order will now dispose of the captioned 'writ petition' ['WP' for the sake of brevity].

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

3. Learned counsel for writ petitioner, advertng to writ petitioner's representation dated 23.05.2024, submitted that there is alleged encroachment in 'Government Thoppu comprised in Town Survey No.13, Block No.4 situate at North Car street, Ettiyamman Nagar, Thirumullaivoyal Village, Avadi Taluk, Thiruvallur District', (hereinafter 'said land' for the sake of convenience and clarity) by private respondents viz., RR 5 – 9. To be noted, RR 5 – 9 are private



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respondents.

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4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (RR 1 - 4) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 5 - 9.

5. Issue notice to official respondents, *i.e.*, RR 1 to 4.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 4.

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, captioned 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



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lands.

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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, Thiruvallur, *qua* 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 (RR 5 to 9) 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 their own merits and in accordance with law untrammelled by this proceedings in this Court.

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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 25.06.2025.

12. 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.

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.)
02.04.2025

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

cad

To:

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