



WEB COPY



W.P.No.11344 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.11344 of 2021

K.P.Jayaraman (Deceased)
S/o. Panchan

2. J.Bhaskar
S/o. (late) K.P.Jayaraman
No.1, Avvai Street
Thiruvalluvar Nagar
Katpadi Taluk
Vellore District

3. Maragadam
W/o.(late) K.P.Jayaraman

4. Ravi Chandran
S/o. (late) K.P.Jayaraman

5. Muralidharan
S/o. (late) K.P.Jayaraman

6. Somas Kandan
S/o. (late) K.P.Jayaraman

7. Geetha
D/o. (late) K.P.Jayaraman

... Petitioners

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VS

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1. The District Collector
Vellore
Vellore District

2. The Assistant Commissioner
Zone-1, Vellore
Vellore Corporation
Vellore District

3. The Thasildar
Katpadi Taluk
Vellore District

4. M.Siva Kumar
S/o.Munusamy ... Respondents
**(Petitioners 2 to 7 are substituted as LR's of
deceased P1, as per order dated 20.01.2025 in
W.M.P.No.39735 / 2024 in W.P.No.11344 of 2021)**

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing Respondents 1 to 3 to remove the encroached compound wall constructed by the fourth respondent in Survey No.700 at Thiruvallur Nagar, Katpadi, Vellore District and to ensure the access of the common way within stipulated period.

For Petitioners : Mr.B.Karthik

For Respondents : Mr.M.S.Arasa Kumar
Government Advocate for R1 & R3

Mr.M.Rajamathivanan
for Ms.P.Shanthi for R2

R4-No appearance

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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.B.Karthik, learned counsel on record for writ petitioners is before us and learned counsel expresses regret for missing the matter in the previous listing.

3. Adverting to representation dated 13.03.2019, Mr.B.Karthik, learned counsel for writ petitioners submitted that there is alleged encroachment in 'Survey No.700, Thiruvallur Nagar, Katpadi, Vellore District, which is Pattai Poramboke' [hereinafter 'said land' for the sake of convenience and clarity] by R4 before us. To be noted, R4 is private respondent.

4. Mr.M.S.Arasa Kumar, learned Government Advocate for Respondents 1 and 3 and Mr.M.Rajamathivanan, learned counsel representing Ms.P.Shanthi, counsel on record for R2 are before us.

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5. 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.

6. 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.

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

8. 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



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opportunity is given to persons concerned, more particularly alleged encroacher (R4) before taking a call. To be noted, all the rights and contentions of alleged encroacher 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, within a period of twelve weeks from today i.e., by 15.04.2025.

9. 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 encroacher). The entire exercise shall be completed within a period of twelve weeks from today i.e., by 18.04.2025.

10. It is open to the 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 are any change of circumstances.



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11. 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.

12. 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.R.S.,J.)

20.01.2025

Index : Yes / No

Neutral Citation : Yes / No

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Katpadi Taluk
Vellore District
4. The Revenue Divisional Officer
Revenue Divisional Office
B Block, 4th Floor
Collector Office
Vellore – 632 009



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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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