



W.P.No.17590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM:

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

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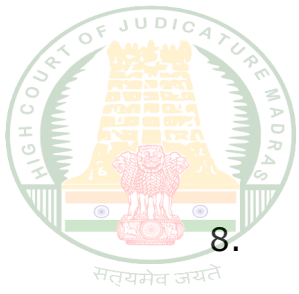
Radha

Petitioner

vs.

1. The District Collector
Thiruvallur District
2. The Tahsildar
Ponneri Taluk
Ponneri
3. The Block Development Officer
Minjur
Ponneri Taluk
Thiruvallur District
4. The President
Nandiambakkam Panchayat
Railway Station Road
Nandiambakkam
Ponneri Taluk
Thiruvallur District
5. Sivaraman
6. Satheeshkumar
7. A. Rajasekar

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8. Kuppu

9. S. Sekar

10. V. Sekar

11. Sundari

12. The Sub Collector
Sub Collector Office
Ponneri

Respondents

(R12 *suo motu* impleaded by Court as
per order dated 03.06.2025)

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 encroachments on the Vinayagar Koil I Cross Street comprised in Survey No.321/12, Nandiambakkam Village, Minjur Town Panchayat, Ponneri Taluk, Tiruvallur District from the encroachers, more particularly from respondents 5 to 11.

For petitioner	Mr. D. Gopinathan
For RR 1, 2 & 12	Mr. T.K. Saravanan
	Addl. Govt. Pleader
For RR 3 & 4	Mr. L.S.M. Hasan Fizal
	Addl. Govt. Pleader

ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is land situate in S.No.321/12, Nandiambakkam Village, Minjur Town Panchayat, Ponneri Taluk, Tiruvallur District (hereinafter 'said land' for the sake of convenience and clarity).

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2. Mr. D. Gopinathan, learned counsel on record for writ petitioner, who is before us, submits that said land is a public street but private respondents 5 to 11 have encroached upon the same. The private respondents viz., RR 7,5,6 and 9, arraying themselves as plaintiffs 1 to 4 respectively, have filed a suit in O.S.No.107 of 2024 on the file of the District Munsif Court, Ponneri, *qua* said land arraying writ petitioner as D1 with a bare injunction prayer *i.e.*, prayer to restrain the writ petitioner and her spouse (to be noted, spouse of writ petitioner, Vijayakumar, is D2 in the suit) from putting up any construction *qua* said land.

3. Learned counsel submits that while the writ petitioner has neither put up any construction *qua* said land nor intends to do so but the private respondents, viz., RR 5 to 11, *inter alia* taking advantage of the aforereferred suit, have already encroached upon said land and are continuing to encroach upon the same. Inaction on the part of official respondents has necessitated the captioned WP is learned counsel's further say.

4. Issue notice to official respondents.

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5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 and 2 and Mr. L.S.M. Hasan Fizal, learned Additional Government Pleader, accepts notice for RR 3 and 4.

6. Both learned State counsel submit in one voice that according to Revenue records, the said land is a public street. Learned State counsel also submit that the pendency of the aforereferred civil suit is impeding the authorities from taking any action.

7. In the aforesaid scenario, learned counsel for writ petitioner has made an endorsement in the case file that the writ petitioner (D1 in the aforereferred suit) as well as her spouse (D2 in the aforereferred suit) would submit themselves to decree. A scanned reproduction of the endorsement is as follows:

3/6/25
on behalf of the
Petitioner husband
Mr. Vijayan who is
the D2 in DC No. 107/2024
is also no objection to
decree the DC No. 107/2024
on the file of Dme
Ponneri and submit to
Decree. I have instructions
from Petitioner and her husband
in WP No. 17590/25
Counsel for Petitioner
(D. Gopinathan)
mb 17590/25

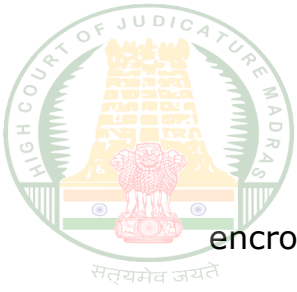


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8. On the instant order being uploaded in the official website of this Court as the same is QR coded and watermarked, the District Munsif Court, Ponneri, shall give a closure to the suit in an appropriate manner. It is also open to the authorities of the State Government to produce a copy of this order before the District Munsif Court, Ponneri and seek closure of O.S.No.107 of 2024 on its file.

9. Be that as it may, notwithstanding pendency of O.S.No.107 of 2024, we make it clear that it is always open to the official respondents to commence removal of encroachment action in accordance with law. Commencement of removal action in accordance with law necessarily means that the alleged encroachers, more particularly RR 5 to 11, have to be put on notice giving an opportunity. In this regard, 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) comes into play.

10. 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



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encroachers, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 5 to 11.

11. 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.

12. 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.

13. Since the Divisional Monitoring Committee is headed by the Sub Collector, Sub Collector Office, Ponneri, who has not been arrayed as a party respondent, the Sub Collector, Sub Collector Office, Ponneri, is *suo motu* impleaded as R12. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for the newly impleaded R12.



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14. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by R12 *qua* said GO.

15. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

16. 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). In this regard, we are acutely conscious that the matter is being disposed of in the 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. The entire exercise shall be completed within a period of 14 weeks from today *i.e.*, by 09.09.2025.

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17. 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.

18. 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.

19. 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.)
03.06.2025

Index : Yes/No
NC : Yes/No
cad

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To

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Thiruvallur District
2. The Tahsildar
Ponneri Taluk
Ponneri
3. The Block Development Officer
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Ponneri Taluk
Thiruvallur District
4. The President
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Railway Station Road
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Ponneri Taluk
Thiruvallur District
5. The Sub Collector
Sub Collector's Office
Ponneri

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

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