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W.P.No.19335 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.19335 of 2025

S.Rohit

... Petitioner

Vs.

- 1.District Monitoring Committee
rep. By its Chairman-District Collector,
O/o.The Collectorate,
Singaravelar Maligai,
Chennai – 600 001.
- 2.District Monitoring Committee
rep. By its Convenor – District Revenue Officer,
O/o.The Collectorate,
Singaravelar Maligai,
Chennai – 600 001.
- 3.The Tahsildar,
Aminjikarai Taluk, Aminjikarai,
Chennai – 600 029.
- 4.A.Shanthi
- 5.P.Mangalam

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 3

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to examine the complaint of the petitioner dated 15.03.2024 in respect of the illegal encroachment of water bodies, Government poramboke land and Corporation land in the light of the order passed by this Court in W.P.No.11923 of 2024 dated 07.06.2024 and also as per G.O.(Ms) No.64 dated 08.02.2022.

For Petitioner : Mr.P.C.Harikumar
for M/s.P.C.Harikumar and Associates

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

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

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is an offshoot of a judicial order dated 07.06.2024 made in W.P.No.11923 of 2024, a scanned reproduction of which is as follows:



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W.P.No.19335 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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

W.P.No.11923 of 2024

S.Rohit
S/o.Late Dr.A.Sukumar

... petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Principal Secretary
Revenue Department,
Fort St.George
Secretariat, Chennai-600 009.
2. The District Collector
Office of Collectorate
Kamaraj Salai, Chennai-600 001.
3. The District Revenue Officer
Office of Collectorate
Chennai District, Kamaraj Salai
Chennai-600 001.
4. The Tahsildar
Aminjikarai Taluk,
Aminjikarai, Chennai-600 029.
5. The Commissioner
Corporation of Chennai
Ripon Building, Chennai-600 003.

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6. The Executive Engineer
Zone VIII, Chennai Corporation
2nd Cross Street, (East), Pulla Avenue
Shenoy Nagar, Chennai-600 030.

7. A.Shanthi
W/o.Alagasundaram

8. P.Mangalam
W/o.Sagaya Selvadoss

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to
take action against the 7th and 8th respondents for their illegal
encroachment of water bodies, Government Poromboke land and
Corporation land comprised in Old S.No.21/1B, Corresponding T.S.No.4,
Old S.No.21/2, 1 (Part), corresponding T.S.No.14, Old S.No.22/8,
corresponding T.S.No.10 of Periyakudal Village, Aminjikarai Taluk,
Chennai District and secure the vacant possession.

For Petitioner : Mr.P.C.Hari Kumar

For Respondents: Mr.A.Selvendran
Special Government Pleader
assisted by Mr.TK.Saravanan
Government Advocate for R1 to R6

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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.P.C.Harikumar, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 15.03.2024, learned counsel submitted that there is alleged encroachment in 'Government land comprised in T.S.No.4, T.S.No.11 and T.S.No.14 of Ward No.I, Block No.17 and the property owned by the Commissioner, Corporation of Chennai comprised in T.S.No.10, Ward No.I, Block No.17' [hereinafter 'said lands' for the sake of convenience and clarity] by R7 and R8 before us. To be noted, R7 and R8 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 official respondents (R1 to R6) and putting in a safety valve / adequate protection qua private

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respondents i.e., R7 and R8.



5. Issue notice to official respondents.

6. Mr.A.Selvendran, learned Special Government Pleader assisted by Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R6.

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 Pleader 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

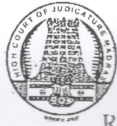
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Revenue Divisional Officer (RDO), Chennai Central, in the light of G.O. (Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R7 and R8) 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.

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

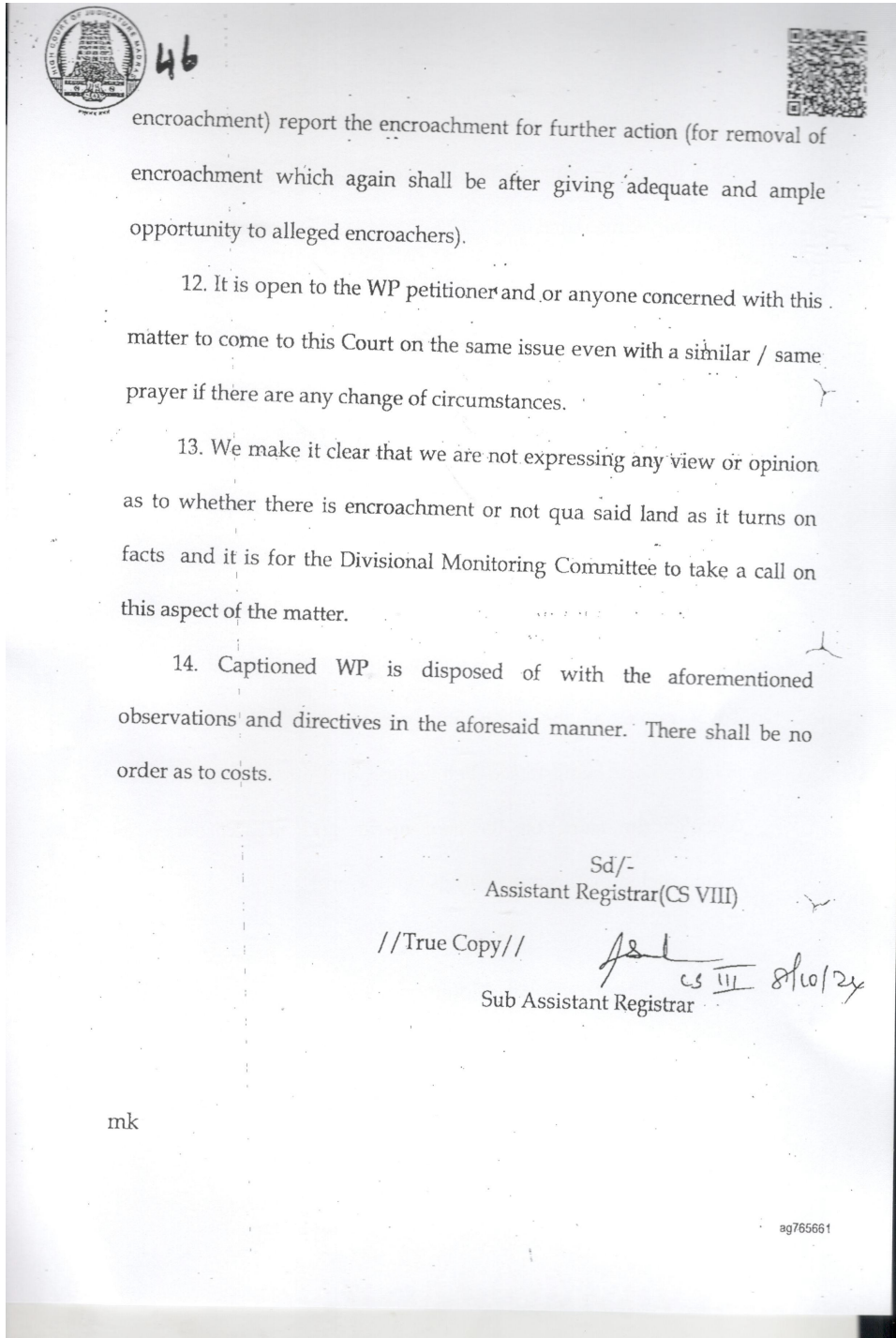
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2. The above order speaks for itself and therefore we are not



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dilating on the same.

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3. It is noticed that the above order was uploaded on 13.06.2024 at 05.18 p.m. on the official website of Madras High Court.

4. Mr.P.C.Harikumar of M/s.P.C.Harikumar & Associates (Law Firm), learned counsel for writ petitioner adverting to the case file drew our attention to a communication dated 18.06.2024 sent by the writ petitioner through his counsel to the jurisdictional Revenue Divisional Officer who is chairperson of the Monitoring committee. A scanned reproduction of the communication together with postal acknowledgment is as follows:



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BY RPAD/PCHA/WP/ROHIT/REPRESENTATION-1

18th June 2024

To:

DIVISIONAL MONITORING COMMITTEE,
Headed by Chairperson
REVENUE DIVISIONAL OFFICER,
Chennai District,
Singaravelan Maligai,
O/o. Chennai collectorate,
Chennai-600 001

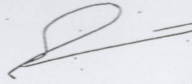
Sir,

Ref: Order passed in W.P. No. 11923 of 2024 dated 07.06.2024 on the file of High Court of Judicature at Madras filed by S. Rohit - regarding

Under instructions from our client S. Rohit, S/o. Late Dr. A. Sukumar, residing at No.6, Brewery Road, Shenoy Nagar, Chennai - 600 030, we are issuing this legal notice unto you as follows:

1. Our client states that he has filed the above Writ Petition before the Hon'ble High Court of Judicature at Madras in W.P. No. 11923 of 2024 and seeking the following relief:

"In view of the foregoing reasons, I therefore pray that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, direction or directions, in the nature of a Writ of Mandamus, whereby directing the Respondents 1 to 6 to take action against the 7th and 8th Respondents for their illegal encroachment of water bodies, Government Poramboke land and Corporation land comprised in Old S. No. 21/1B, Corresponding T.S. No. 4, Old S. No. 21/2, 21/1 (Part) corresponding T.S. No. 14, Old S. No. 22/8, corresponding T.S. No. 10 of Periyakudal Village, Aminjikarai Taluk, Chennai District and secure vacant possession and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."






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2. The above Writ Petition came up before the Hon'ble High Court on 07.06.2024. The Hon'ble High Court after hearing the arguments was pleased to issue the following direction:

"10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R7 and R8) 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 proceeding in this Court."

3. In view of the direction issued by the Hon'ble High Court of Judicature at Madras dated 07.06.2024 in W.P. No. 11923 of 2024, we are herewith enclosing copy of the Writ Petition along with documents filed along with the said Writ Petition and also the order passed in W.P. No. 11923 of 2024 dated 07.06.2024 for your records and immediate action.

4. In view of the above circumstances, our client hereby calls upon you to conduct enquiry without any further delay in accordance with the order dated 07.06.2024 and also in the light of G.O. M.S. No. 64 dated 08.02.2022, to achieve the object of the said G.O. We are also serving copy of this letter to the District Monitoring Committee headed by the Chairperson, District Collector, Chennai District to monitor the action.

M/S.P.C.HARIKUMAR & ASSOCIATES
COUNSEL FOR PETITIONER

c.c. The District Monitoring Committee, Represented by its Chairperson, District Collector, Singaravelu Maaligai, Office of the District Collector, Chennai - 600 001.

Encl: 1. Copy of Writ Petition along with typed set of papers and documents filed along with W.P. No. 11923 of 2024
2. Copy of the Order dated 07.06.2024 made in W.P. No. 11923 of 2024



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आर.पी.-54—(एस)
R.P.-54—(S)

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

प्रेषक डाकघर
का नाम मोहर
Name stamp of
office of posting

भेजने वाले
का पता
Sender's
Address

Ms. P.C. HARI KUMAR & ASSOCIATES
ADVOCATES SOLICITORS & PROPERTY CONSULTANTS
144, THAMBU CHETTY STREET,
"RAMA RAU BUILDING" 2ND FLOOR,
(OPP. KARNATAKA BANK) CHENNAI - 600 001.

चिप/PIN

18/06/2024 Legal Notice - S. Bohit - W.P.No. 11923 of 2024.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGEMENT

* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
* Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (Name)

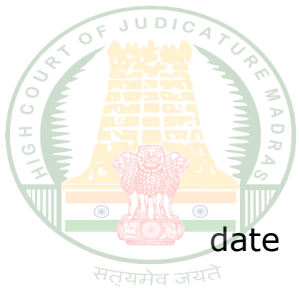
पाने वाले का पता
Address of addressee

वितरण की तिथि Date of delivery

2024 JUN 27

पाने वाले के हस्ताक्षर/Signature of addressee

5. It comes to light that aforereferred communication has been received by the District Monitoring Committee on 27.06.2024. Learned counsel points out that three weeks hence it will be one year from the



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date of receipt of the communication but there is complete inaction and that has necessitated the captioned WP.

6. On 04.06.2025, we issued notice. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and in the 04.06.2025 listing, the following proceedings/order has been made:

'W.P.No.19335 of 2025

M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Mr. P.C. Harikumar of M/s. P.C. Harikumar and Associates (Law Firm), learned counsel on record for writ petitioner, who is before this Court, submits that the writ petitioner has sent a representation dated 15.03.2024 seeking removal of encroachment but owing to inaction, writ petitioner filed W.P.No.11923 of 2024 with a mandamus prayer, this writ petition was disposed of by this Court in and by order dated 07.06.2024 *inter alia* directing the respondents to apply G.O. (Ms.) No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section dated 08.02.2022. Learned counsel submits that thereafter, nothing has happened. Learned counsel emphatically submits that the writ petitioner has neither been



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put on notice nor been called upon to attend an enquiry.

2. Issue notice to official respondents.

3. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for all the three official respondents and requests for a short accommodation to get instructions and revert to this Court.

4. Request acceded to.

5. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board, *i.e.*, Motion List, day after tomorrow (06.06.2025).'

7. Adverting to the aforementioned 04.06.2025 proceedings/order, learned State counsel submits that notice has been issued today (06.06.2025) to the writ petitioner, private respondents/R4,R5 and all concerned. This submission is recorded.

8. Though the aforementioned stated position of the learned State counsel addresses the issue raised by the writ petitioner, this Court is constrained to write that it is imperative that State should act with promptitude and inaction for about one year qua judicial order is clearly unacceptable. Nonetheless we stop with this observation but with a caveat that this Court will have to take a serious view of such matters in the days to come.



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9. Now that the proceedings vide 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} have been kickstarted today, let the same be continued on its own merits and in accordance with law and concluded as expeditiously as the business of the Monitoring Committee would permit but in any event within fourteen weeks from today i.e., on or before 12.09.2025. It is made clear that this is the directive of this Court.

10. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

06.06.2025

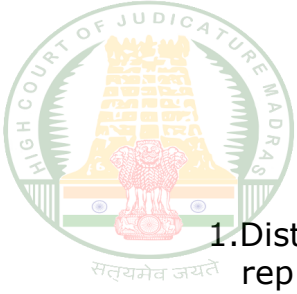
Index : Yes / No

Neutral Citation : Yes / No

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To

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rep. By its Chairman-District Collector,
O/o.The Collectorate,
Singaravelar Maligai,
Chennai – 600 001.
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rep. By its Convenor – District Revenue Officer,
O/o.The Collectorate,
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Chennai – 600 029.
- 4.The Revenue Divisional Officer,
Chennai Central.



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W.P.No.19335 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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W.P.No.19335 of 2025

06.06.2025