



WEB COPY



W.P. No.18658 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

W.P.No.18658 of 2025

R. Naveen

Petitioner

vs.

1. The District Collector
Chengalpattu District
Chengalpattu 603 001

2. The Block Development Officer
St. Thomas Mount Block
Chitlapakkam
Chennai 600 064

3. The Tahsildar
O/o Tambaram Taluk Office
Tambaram
Chennai 600 045

4. Jaya Soundari

5. Mahendran

6. Santhi

7. The Revenue Divisional Officer
Tambaram
Chennai 600 045

Respondents

(R7 *suo motu* impleaded by Court on 03.06.2025)



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Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to take appropriate action against the encroachment in S.No.74/1, 74/2 and 84/1, Thiruvanchery Village, Chitlapakkam by the respondents 4 to 6 based on the petitioner's representations.

For petitioner Mr. R. Subburaj

For RR 1,3 & 7 Mr. K. Suresh
Government Advocate

For R2 Mr. M. Rajendiran
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. R. Subburaj, learned counsel on record for writ petitioner, is before us.



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3. Adverting to a representation dated 30.07.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Government land in Survey Nos.74/1, 74/2 and 84/1, Thiruvanchery Village, Chitlapakkam' [hereinafter 'said land' for the sake of convenience and clarity] by RR 4 to 6. To be noted, RR 4 to 6 are private respondents.

4. Considering the facts and circumstances of the case in juxtaposition with 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 puts in place a removal of encroachment procedure *inter alia* giving opportunity to alleged encroachers, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (RR 1 to 3) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 4 to 6.

5. Issue notice to official respondents, *i.e.*, RR 1 to 3.



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6. Mr. K. Suresh, learned Government Advocate, accepts notice for RR 1 and 3 and Mr. M. Rajendiran, learned Additional Government Pleader, accepts notice for R2.

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 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.

9. Since the Divisional Monitoring Committee is headed by the Revenue Divisional Officer, Tambaram, Chennai 600 045, who has not been arrayed as a party respondent, the Revenue Divisional Officer, Tambaram, Chennai 600 045, is *suo motu* impleaded as R7. Mr.K.Suresh, learned Government Advocate, accepts notice for the newly impleaded R7.



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10. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by R7 *qua* said GO.

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

12. 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 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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13. 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.

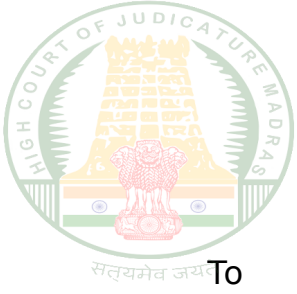
14. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.

15. 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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