



W.P.No.23283 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.06.2025

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

**W.P.No.23283 of 2021**

S.Nanda Kumar  
S/o.B.Selvaraj

... Petitioner

VS.

1. The District Collector  
Vellore District,  
Vellore.
2. The Commissioner  
Arakkonam Municipality  
Arakkonam.
3. The Engineering Director  
Sewerage Division, TWAD Board  
Chepauk, Chennai-600 005.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus. A Scanned reproduction of the prayer is as follows:



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[2-]

3-] For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court be pleased to issue Writ in the nature of Writ of Mandamus or any other appropriate Writ or direction, considered to my representation dated 13/08/2021 to direct the 1st and 2nd 3rd respondent to take necessary actions. That the 2nd and 3rd respondents has to submit the AJJI SABIB LAYOUT, D.T.C.P Technical Map (MA.PA. THU. KA.SE. No; 154/75) relating to approved plans/lay-out; in the event of submission of the same, on that basis, that may be encroachment may be removed as directed by the court here to; In the event of missing of Technical Map, there may be way back may be caused thereon, has been prayed for by me here to.

4-] That the 2nd and 3rd respondents has to stop the "dubious stand" and stop the drainage work thereon, under the guidance of approved plan by the Municipal Council and as per Technical Map approval, there may be legal orders for carrying out drainage works in respect of TS 52/32, 52/31 be passed thereon; That since there are erratic project works are found on the part of the Municipal admin against encroachment, etc; from the year 2012 onwards & until this date, without providing any basic amenities facilities, [Legally By suppressing the technical map, based on the erratic documents, since admin is going on,]

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The petitioner under difficult circumstances to him, without availing any basic amenities facilities and living sources, etc. (viz. The basic survival needs of human), violated Article. 21, the human rights to an adequate standard of living the petitioner has become living thereon; Hence, the above set project works may be stopped, following the erstwhile open type canal/drainage through TS NO. 52/32 and 52/31 may be formed and be ordered accordingly thereon. Besides, the municipality administration for the Mental agonies & undue sufferance etc, under gone by the petitioner, he prays for suitable compensation amount R.S 15,00,000 "(Fifteen Lacs Only) be awarded to him has been prayed for hereto; and pass such other or further order(s) as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case.

For Petitioner : Ms.P.D.Theyzovathi

For Respondents : Mr.T.K.Saravanan  
Additional Government Pleader  
for R1  
Mr.M.Kirubakaran, for R2  
Mr.Jeny V.V.Sundar,  
Standing Counsel, for R3

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## **ORDER**

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[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. Ms.P.D.Theyzovathi, learned counsel for writ petitioner, who is before this Court expresses regret for missing the matter in the previous listing.

3. Learned counsel abridges the prayer for removal of encroachment qua representation dated 13.08.2021. As regards other limbs of the prayer, rights and contentions of writ petitioner are preserved for resuscitating the prayers depending on the outcome before the Divisional Monitoring Committee.

4. Mr.T.K.Saravanan, learned Additional Government Pleader for R1, Mr.M.Kirubakaran, learned counsel for R2 and Mr.Jeny V.V.Sundar, learned Standing Counsel for R3 are before us.

5. Adverting to a representation dated 13.08.2021, from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Nehruji Nagar, Arakkonam' [hereinafter 'said land' for the



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sake of convenience and clarity].

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6. 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 encroacher/s, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua encroacher/s.

7. 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.

8. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer, Arakkonam, Ranipet District *qua* said GO.

9. This Court directs the jurisdictional Divisional Monitoring



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Committee to examine if there is encroachment *qua* said land.

**WEB COPY** 10. 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). To be noted, all the rights and contentions of 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 17.09.2025.

11. 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.

12. 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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13. 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.,)**

11.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

*mk*



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

*mk*

To

1. The District Collector  
Vellore District,  
Vellore.
2. The Commissioner  
Arakkonam Municipality  
Arakkonam.
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Sewerage Division, TWAD Board  
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Ranipet District.

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