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W.P.No.21110 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

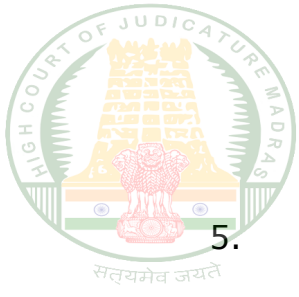
W.P.No.21110 of 2025 and W.M.P. No.23858 of 2025

Sudha Petchy

Petitioner

vs.

1. The District Collector
District Collector Office
Chinna Ekkadu
Jaya Nagar
Thiruvallur
Tamil Nadu 602 001
2. The Chief Engineer
State Highways Authority/Highways Department
III Floor, Sardar Patel Road
Guindy
Chennai 600 025
3. The Tahsildar
Taluk Office
JN Road
NH 716 Jayaa Nagar
Thiruvallur
4. The Block Development Officer
Village Panchayat Office
Kadambathur Union Office
Kadambathur
Thiruvallur District



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5. The Surveyor
Thodukaadu
Tahsildar Office
Thiruvallur
6. The Executive Officer
Panchayat Office
Thodukaadu Village
Kadambathur Union Office
Kadambathur
Thiruvallur District
7. Manikandan
8. G. Padmini

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 12.05.2025 and prevent further encroachment and restore the encroached lands forthwith and also order demolition of unauthorised construction from the State Highways and also from the petitioner's land comprised in S.No.267/6A, Thodukaadu Village, Thiruvallur District.

For petitioner	Mr. Abdul Mubeen for Mr. J. Brezhnev
For RR 1-3 & 5	Mr. M.S. Arasakumar Government Advocate
For RR 4 & 6	Mr. M.S. Premkumar Government Advocate



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ORDER

[made by M.SUNDAR, J.]

This order will now dispose of the captioned 'writ petition' ['WP' for the sake of brevity].

2. Mr. Abdul Mubeen, learned counsel representing Mr.J.Brezhnev, learned counsel on record, is before us.

3. Adverting to a representation dated 12.05.2025 from the writ petitioner, learned counsel for writ petitioner, submitted that there is alleged encroachment in 'S.No.267/7, Thodukaadu Village, Thiruvallur District' [hereinafter 'said land' for the sake of convenience and clarity] by RR 7 and 8. To be noted, RR 7 and 8 are private respondents.



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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 6) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.* RR 7 and 8.

5. Issue notice to official respondents, *i.e.*, RR 1 to 6.

6. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 3 and 5 and Mr. M.S. Premkumar, learned Government Advocate, accepts notice for RR 4 and 6.

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.



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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. 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, Revenue Divisional Office, Thirvallur *qua* said GO.

10. We direct the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

11. 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



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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 22.09.2025.

12. 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.

13. 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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14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned writ miscellaneous petition stands disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
16.06.2025

cad
To

1. The District Collector
District Collector Office
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Kadambathur, Thiruvallur District
5. The Surveyor
Thodukaadu, Tahsildar Office, Thiruvallur
6. The Executive Officer
Panchayat Office, Thodukaadu Village
Kadambathur Union Office
Kadambathur, Thiruvallur District
7. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Tiruvallur

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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