



W.P.No.23032 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 04.07.2025

CORAM

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

W.P.No.23032 of 2021
&
W.M.P.No.24225 of 2021

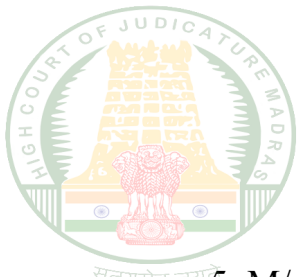
Dinesh N.Surana

... Petitioner

Vs.

1. The Principal Commissioner & Commissioner
Land Administration
Ezhilagam, Chepauk
Chennai - 600 005
2. The District Collector
Collector Office Road
Moovendar Nagar
Villupuram
Tamil Nadu - 605 602
3. The Tahsildar
Marakkanam Taluk
Marakkanam
4. The Executive Officer
The Marakkanam Town Panchayat
Marakkanam

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5. M/s.Manju Foundations Pvt. Ltd.,
8, Sapthaswara Apartments, 2nd Floor
1st Avenue, Ashok Nagar
Chennai - 600 083

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 4 to
initiate action against the 5th respondent based on the representation made
by the petitioner dated 18.08.2021.

For Petitioner : Mr.A.Sharma
for Mr.T.Thiyagarajan

For Respondents : Mr.K.Suresh
Govt. Advocate for R1 to R3

Mr.T.K.Saravanan
Additional Govt. Pleader for R4

Mr.S.Mukunth
Senior counsel
for Mr.A.Shabeer Ali
of M/s.Sarvabhauman Associates

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].



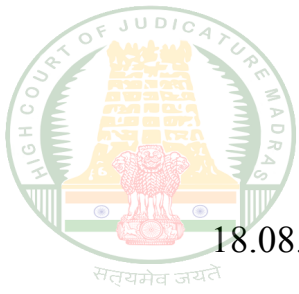
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2. Mr.A.Sharma, learned counsel representing the counsel on record for writ petitioner, Mr.K.Suresh, learned Government Advocate for R1 to R3, Mr.T.K.Saravanan, learned Additional Government Pleader for R4 and Mr.S.Mukunth, learned Senior counsel appearing on behalf of Mr.A.Shabeer Ali of M/s.Sarvabhauman Associates (Law Firm) are before us.

3. Adverting to representation dated 18.08.2021 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Mandaveli Poramboke land in Survey Nos.174/2 and 192, Marakkanam North Village, Marakkanam Taluk, Villupuram District' by R5 before us. To be noted, R5 is private respondent.

4. It is to be noted that the prayer portion in the captioned main WP does not refer to survey number in which encroachment has allegedly been made. However, in the prayer portion in injunction petition, there is a reference to S.No.192 of Marakkanam North Village, Marakkanam Taluk, Villupuram District but, in the first paragraph of the representation dated



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18.08.2021 addressed by the petitioner to the authorities concerned seeking

removal of encroachment, there is a reference to Survey No.174/2 as well.

Hence, instead of hinging on technicalities, this Court proceeds to consider that alleged encroachments are in 'S.Nos.174/2 and 192 of Marakkanam North Village, Marakkanam Taluk, Villupuram District' [hereinafter 'said lands' for the sake of convenience and clarity].

5. 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 encroacher, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua alleged encroacher i.e., R5.

6. 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



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constituted *inter alia* for a single point reporting / monitoring system *qua*

Government lands.

7. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Sub-Collector, Tindivanam *qua* said GO.

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

9. 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 alleged encroacher 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 10.10.2025.



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10. 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.

11. 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.

12. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, the connected WMP is closed. There shall be no order as to costs.

(M.S.,J.)

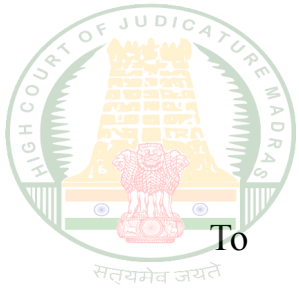
(H.C.J.)

04.07.2025

Index : Yes / No

Neutral Citation : Yes / No

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To

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

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