



W.P. No.15495 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.15495 of 2021

Raisul Hassen

Petitioner

vs.

1. The Collector
District Collectorate
Nagapattinam
2. The Commissioner
Nagapattinam Municipality
Nagapattinam
3. The Executive Officer
Nagore Dargah Trust Office
Nagore
4. A.B. Thamim Ansari
5. The Tahsildar
Nagore
Nagapattinam District

Respondents

(R5 *suo motu* impleaded *vide* order
dated 27.07.2021 made in
W.P.No.15495 of 2021)

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the respondents 1 to 3 to
remove the encroachment made by way of illegal construction by the

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fourth respondent in Ward No.5, Block No.17, T.S.No.1220 at Door No.2, Khalifa Sahib Street, Nagore, Nagapattinam District based on the petitioner's representation dated 31.12.2018.

For petitioner	Mr. S. Mugesh for Mr. S. Giritharan
For RR 1,3 & 5	Mr. T.K. Saravanan Additional Government Pleader
For R2	Mr. P. Srinivas Standing Counsel
For R4	Mr. S. Manoj for Mr. S. Thirumavalavan

ORDER

[made by M.SUNDAR, J.]

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

2. Mr. S. Mugesh, learned counsel representing Mr.S.Giritharan , learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 31.12.2018 from the writ petitioner, learned counsel for writ petitioner submitted that there

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is alleged encroachment in 'Ward No.5, Block No.17, T.S.No.1220 at Door No.2, Khalifa Sahib Street, Nagore, Nagapattinam District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 before us. To be noted, R4 is a private respondent.

4. 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 main WP was taken up.

5. It was submitted by learned Additional 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.

6. 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, Nagapattinam *qua*



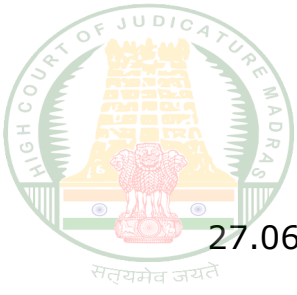
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G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

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7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroacher (R4) before taking a call. 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.

8. 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 encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher). The entire exercise shall be completed within a period of 12 weeks from today *i.e.*, by



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27.06.2025.

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9. 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.

10. 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.

11. 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.) (K.G.T., J.)
04.04.2025

cad
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NC : Yes/No

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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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To

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