



W.P.No.31016 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.31016 of 2022

S.Panneer Selvam

... Petitioner

vs.

1.The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
PIN – 609 001.

2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai, PIN – 609 001.

3.Ram Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents particularly the first respondent at once to measure the public street called Narayana Pillai Street at Mayiladuthurai Village, also to find out the nature and extent of the encroachment made by the third respondent upon the said public street called Narayana Pillai Street, Mayiladuthurai and to remove the same.

Page Nos.1/7



W.P.No.31016 of 2022

For Petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.P.Srinivas for R1
Mr.T.K.Saravanan,
Additional Government Pleader
for R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

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

2. Mr.R.Krishnaswamy, learned counsel on record for writ petitioner is before us on VC (Video Conferencing) platform (to be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court).

3. Adverting to representations dated 10.02.2022, 25.04.2022 and 28.06.2022 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Narayana Pillai Street, Mayiladuthurai' [hereinafter 'said land' for the sake of convenience and clarity] by R3 before us. To be noted, R3 is a private respondent.

Page Nos.2/7



W.P.No.31016 of 2022

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to R2 and putting in a safety valve / adequate protection qua alleged encroacher i.e., R3. To be noted, Mr.P.Srinivas, learned counsel has entered appearance for R1 and he is before this Court.

5. Issue notice to official respondent i.e., R2.

6. Mr.T.K.Saravanan, 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 main WP was taken up.

8. 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



W.P.No.31016 of 2022

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 Revenue Divisional Officer, Revenue Divisional Office, Mayiladuthurai *qua* G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. 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 (R3) 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.



W.P.No.31016 of 2022

11. 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 22.07.2025.

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.



W.P.No.31016 of 2022

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14. 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.)
29.04.2025

Index : Yes/No
Neutral Citation: Yes/No
mmi

To

- 1.The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai,
PIN – 609 001.
- 2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai, PIN – 609 001.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Mayiladuthurai.

Page Nos.6/7



WEB COPY



W.P.No.31016 of 2022

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

W.P.No.31016 of 2022

29.04.2025

Page Nos.7/7