



WEB COPY



W.P.No.33365 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.33365 of 2025

Annamalai

Petitioner

vs.

1. The District Collector
Kanchipuram District
Kanchipuram - 631 501
2. The Revenue Divisional Officer
Sriperumbudur
Kanchipuram District - 602 105
3. The Tahsildar
Kundrathur Taluk
Kundrathur
Kanchipuram District - 600 069
4. The Inspector of Police
T-14, Mangadu Police Station
Mangadu - 600 122
5. Vatchala

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 close the ditch and restore its original position as common pathway situated in S.No.7 at Mariamman Koil Street, Alvancherry,



W.P.No.33365 of 2025

Mugalivakkam Village, Kanchipuram District - 600 125 based on the petitioner's representation dated 23.07.2025.

WEB COPY

For petitioner	Mr. P. Suresh Kumar
For RR 1 to 3	Mr. T.K. Saravanan Addl. Govt. Pleader
For R4	Mr. S. Rajakumar Addl. Public Prosecutor
For R5	Notice dispensed with

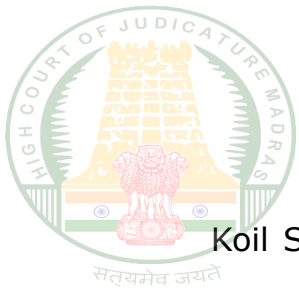
ORDER

[made by M.SUNDAR, J.]

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

2. Mr. P. Suresh Kumar, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 21.07.2025 (to be noted, date of representation is not 23.07.2025 as stated in the prayer and also index to typed of papers) from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in the form of ditches in 'Survey No.7 at Mariamman



W.P.No.33365 of 2025

Koil Street, Alvancherry, Mugalivakkam Village, Kanchipuram District - 600 125' [hereinafter 'said land' for the sake of convenience and clarity] by private respondent, who has been arrayed as fifth respondent in captioned WP.

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/mechanism which *inter alia provides for* giving opportunity to alleged encroacher, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (respondents 1 to 4) and dispensing with notice to private respondent (fifth respondent) *inter alia* by putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, fifth respondent.

5. Issue notice to official respondents, *i.e.*, respondents 1 to 4.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3 and Mr. S. Rajakumar,



W.P.No.33365 of 2025

learned Additional Public Prosecutor, accepts notice for fourth respondent.

WEB COPY

7. In the light of what has been alluded to *supra* and considering the limited scope of the captioned WP, with the consent of learned counsel for writ petitioner and learned State counsel for respondents 1 to 3 and 4, captioned WP was taken up in the Admission Board, *i.e.*, Motion List, itself.

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 second respondent *vide* said GO.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment in said land.



W.P.No.33365 of 2025

WEB COPY

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 encroacher and therefore, we make it clear that all 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 16 weeks from today *i.e.*, by 24.12.2025.

12. It is open to the writ petitioner and / or anyone concerned with this matter, including private respondent, 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



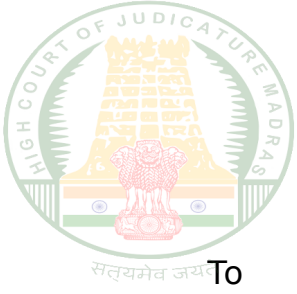
W.P.No.33365 of 2025

turns largely / heavily on facts and it is for the Committee concerned 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 *i.e.*, if there is any encroachment in public land, which, in turn, means that the question as to whether said land is public land is also left open for the Committee concerned to take a call.

14. Captioned WP is disposed of with the aforementioned observations, directives and preservation of rights in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (M.S.K.,J.)
03.09.2025

cad



W.P.No.33365 of 2025

To
WEB COPY

1. The District Collector
Kanchipuram District
Kanchipuram 631 501
2. The Revenue Divisional Officer
Sriperumbudur
Kanchipuram District 602 105
3. The Tahsildar
Kundrathur Taluk
Kundrathur
Kanchipuram District - 600 069
4. The Inspector of Police
T-14, Mangadu Police Station
Mangadu 600 122



WEB COPY



W.P.No.33365 of 2025

M.SUNDAR, J.

and

MUMMINENI SUDHEER KUMAR, J.

cad

W.P.No.33365 of 2025

03.09.2025