



W.P.No.39082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.39082 of 2024
&
W.M.P.Nos.42335 and 42338 of 2024
in
W.P.No.39082 of 2024

N.Radhakrishnan

... Petitioner

VS

1. The District Collector
Cuddalore District
Cuddalore – 607 001
2. The Tahsildar
Tittagudi Taluk
Tittagudi – 606 106
3. The Block Development Officer
Nallur Panjayat Union
Nallur- 606 302, Cuddalore District
4. The President / Secretary
Pe.Ponneri Village Panjayat
Pennadam R.S.PO- 606 111
Tittagudi Taluk, Cuddalore District
5. D.Ravi @ Ravikumar
S/o.Duraisamy

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India

praying to issue a Writ of Mandamus directing 2nd, 3rd and 4th respondents herein, the Thasildar Tittagudi, the Block Development Officer, Nallur and the Panchayat President Pe.Ponneri Village to keep off the public road in SF.No.108 of Pe.Ponneri Village, Tittagudi Taluk, Cuddalore District and stop the unlawful activity forever such as construction or any related activity in S.F.No.108 of Pe.Ponneri Village, Tittagudi Taluk, Cuddalore District and adjoining areas as requested by the petitioner in his representation dated 16.11.2024 within a stipulated time as specified by this Court.

For Petitioner : Mr.N.Radhakrishnan
Party-in-person

For Respondents : Mr.M.S.Arasakumar
Govt. Advocate for R1 and R2

Mr.R.Neethi Perumal
Govt.Advocate for R3 and R4



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ORDER

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

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

2. Mr.N.Radhakrishnan, Party-in person is before us.

3. Adverting to a representation dated 16.11.2024, Mr.N.Radhakrishnan, Party-in person submitted that there is alleged encroachment in 'S.F.No.108 of Pe.Ponneri Village, Tittagudi Taluk, Cuddalore District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 before us. To be noted, R5 is private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R4) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R5.

5. Issue notice to official respondents i.e., R1 to R4.



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6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and R2 and Mr.R.Neethi Perumal, learned Government Advocate accepts notice for R3 and R4.

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, main WP was taken up.

8. It was submitted by learned Government Advocate 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.

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



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dated 08.02.2022.

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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 (R5) before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, this safety valve is put in place. 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 its own merits and in accordance with law untrammelled by this proceedings in this Court, within a period of twelve weeks from today i.e., by 27.03.2025.

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).



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12. It is open to the WP 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 are 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.

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

(M.S.,J.) (K.R.S.,J.)
02.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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and
K.RAJASEKAR, J.,**

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