



WEB COPY



W.P. No.1916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

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

W.P. No.1916 of 2025

P. Dayalan

Petitioner

vs.

1. The District Collector
Collector Office Buildings
Collector Office
Kanchipuram
2. The Tahsildar
Wallajabad Taluk
Wallajabad Taluk Office
Kanchipuram – 631 605
3. The Executive Officer
Wallajabad Town Panchayat
Wallajabad
Kanchipuram District – 631 605

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove all the encroachments in the water pond of Survey No.369/1, South New Street, Wallajabad Town, Kanchipuram District based on the petitioner's representations dated 29.07.2024 and 28.10.2024.



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For petitioner

Mr. P. Kannan Kumar

For respondents

Mr. T.K. Saravanan
Government Advocate

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. Kannan Kumar, learned counsel on record for writ petitioner, is before us.

3. Adverting to representations dated 29.07.2024 and 28.10.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there are alleged encroachments in water pond in 'Survey No.369/1, South New Street, Wallajabad Town, Kanchipuram District', [hereinafter 'said pond' for the sake of convenience and clarity]. To be noted, names of alleged encroachers are not known to writ petitioner.



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4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (RR 1 to 3) and putting in a safety valve / adequate protection qua alleged encroachers.

5. Issue notice to respondents (RR 1 to 3).

6. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for respondents.

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 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



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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 Sub Collector, Kanchipuram *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 pond. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers, 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 encroachers and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroachers are preserved for being raised before the Committee concerned which shall consider the same on their own



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merits and in accordance with law untrammelled by this proceedings in this Court.

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 encroachers). The entire exercise shall be completed within a period of 12 weeks from today *i.e.*, by 21.04.2025.

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 pond 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.



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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.R.S., J.)
24.01.2025

cad
Index : Yes/No
Internet : Yes/No



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