



W.P.No.39395 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.39395 of 2024

Mrs.S.Amutha

... Petitioner

VS

1. The District Collector
Office of the Collectorate
Krishnagiri – 635 002
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Krishnagiri – 635 002
3. The Tahsildar
Office of Krishnagiri Taluk
Krishnagiri Taluk and District
4. The Block Development Office
Office of Krishnagiri Block Development Office
Krishnagiri District – 635 001
5. The Panchayat President
Kattiganapalli Village
Krishnagiri Panchayat
Krishnagiri District – 635 002
6. M.Moorthy
Son of Raman

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7. Mr.Murugan
Son of Raman

8. Mr. Varadharajan
Son of Raman

9. Mr.Guru
Son of late Kesavan

... 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 and 5th respondent to remove the encroachment around 100 sq.ft made by Respondents 6 to 8 in 30 feet road, Krishnagiri Phase-1, Kattiganapalli Village, Krishnagiri District by considering the petitioner's representations dated 20.12.2021 and 08.12.2021 respectively.

For Petitioner : Mr.S.Sathish Kumar

For Respondents : Mr.T.K.Saravanan
Govt. Advocate for R1 to R3

Mr.M.S.Arasakumar
Govt. Advocate for R4 and R5



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ORDER

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

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

2. Mr.S.Sathish Kumar, learned counsel on record for writ petitioner is before us.

3. Adverting to representations dated 20.12.2021 and 08.12.2021, Mr.S.Sathish Kumar, learned counsel for writ petitioner submitted that there is alleged encroachment in '30 feet road, Krishnagiri Phase-1, Kattiganapalli Village, Krishnagiri District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 to R8 before us. To be noted, R6 to R8 are private respondents.

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 R5) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R6 to R8. To be noted, though the name of the 9th respondent is shown in the array of parties, there is no



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averment in the petition and the affidavit relating to 9th respondent and the relief itself has been sought only against respondents 6 to 8.

5. Issue notice to official respondents i.e., R1 to R5.

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R4 and R5.

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.

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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, Krishnagiri, 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 encroachers (R6 to R8) 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 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.



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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).

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.



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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.)
02.01.2025

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

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