

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.17427 of 2015

Pudiya Moovendar Nagar Kudiyirupor Nala Sangam
a society registered under the
Tamil Nadu Societies Registration Act, 1975
(Tamil Nadu Act 27 of 1975)
represented by its President
P. Narayanasamy
having office at No.4/383-2
Moovendar Nagar
Bagalur Road
Hosur 635 109

Petitioner

Vs.

- 1 The District Collector
Krishnagiri
- 2 The Sub-Collector
Hosur, Krishnagiri District
- 3 The Commissioner
Hosur Municipality, Hosur
- 4 The Superintendent of Police
Krishnagiri
- 5 The Inspector of Police
HUTCO Police Station
Hosur
Krishnagiri District
- 6 R. Murugan
- 7 M. Seenivasan
- 8 N. Prakash

Respondents

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 8 in the lands measuring an extent of 4 ½ cents comprised in Survey No.707 of Avalapalli Village, Moovendar Nagar, Hosur Taluk, Krishnagiri

District which is earmarked for public purposes and take necessary action against the respondents 6 to 8 within a stipulated time based on the petitioner's representation dated 06.01.2013.

For petitioners	Mr. R. Bharathkumar
For RR 1,2,4 & 5	Mr. P.S. Sivashanmugasundaram
	Special Government Pleader
For R3	Mr. V. Jayaprakash Narayanan

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1, 2, 4 and 5. Mr. V. Jayaprakash Narayanan, learned counsel, accepts notice for the third respondent. It is not necessary to issue notice to respondents 6 to 8, as it is a case of only consideration of the petitioner's representation and no decision can be taken on the said representation without affording an opportunity of hearing to them. Thus, with the consent of the learned Special Government Pleader appearing for respondents 1,2, 4 and 5 and the learned counsel for the third respondent, we are passing this order at the admission stage itself, without issuing notice to respondents 6 to 8.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 8 in the lands measuring an extent of 4 ½ cents comprised in Survey No.707 of Avalapalli Village, Moovendar Nagar, Hosur Taluk, Krishnagiri District which is earmarked for public purposes and take necessary action against the respondents 6 to 8 within a stipulated time based on the petitioner's representation dated 06.01.2013.

3 The petitioner is stated to be a registered residents' welfare association at Moovendar Nagar, Bagalur Road, Hosur. Noticing the encroachment allegedly made by respondents 6 to 8 on the Government land which is earmarked for school, temple, meeting hall, library, study centre, etc., the petitioner association had made a representation on 06.01.2013 to the official respondents with a request to initiate steps to take consequential action for removal of the said encroachment. On receipt of the said representation, the District Collector, vide proceedings dated 11.01.2013, had directed the Tahsildar, Hosur, to examine the allegation and to take necessary action for removal of the encroachment made in Survey No.706 at Moovendar Nagar, Hosur Taluk, Krishnagiri District. Till date, no steps have been initiated by the authorities when they are under an obligation to ensure that the Government land is not encroached by any person without authority of law.

4 Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader appearing for respondents 1,2,4 and 5 and Mr. V. Jayaprakash Narayanan, learned counsel for the third respondent jointly submit that if the aforestated representation is still pending consideration, necessary steps shall be initiated at the earliest and consequential action, on proper inspection, shall be taken for removal of the encroachment, on merits and in accordance with law.

5 In view of the foregoing, we deem it fit and proper to direct the authorities to take necessary steps on consideration of the petitioner's representation dated 06.01.2013, advertng to each and every averment therein and passing a reasoned order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that any action taken has to be subject to a proper opportunity of hearing to the alleged encroachers, including respondents 6 to 8.

6 The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The District Collector
Krishnagiri
- 2 The Sub-Collector
Hosur, Krishnagiri District
- 3 The Commissioner
Hosur Municipality, Hosur
- 4 The Superintendent of Police
Krishnagiri
- 5 The Inspector of Police
HUTCO Police Station
Hosur, Krishnagiri District

+1cc to Mr.R. Bharath Kumar, Advocate, S.R.No.30237

TM(CO)
Eu 01.07.15

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