

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23162 of 2016

T.Muniappan

... Petitioner

Versus

1.The Chief Secretary
Government of Tamilnadu
Secretariate,
Fort St.George, Chennai 600 009.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

4.The Revenue Divisional Officer
Krishnagiri,
Krishnagiri District.

5.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

6.The Tahsildar,
Burgur Taluk,
Krishnagiri District.

7.The Revenue Inspector,
Palepelli Revenue Firka
Burgur Taluk,
Krishnagiri District.

8.The Village Administrative Officer,
Balinayanapalli Village,
Burgur Taluk,
Krishnagiri District.

9.The President,
Balinayanapalli Village Panchayat,
Balinayanapalli Village,
Burgur Taluk, Krishnagiri District.

10.Saroja

11.Krishnan

12.Muniasamy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the respondents 1 and 6 to implement the order of this Court dated 18.02.2016 in W.P.No.5732 of 2016 by removing the remaining encroachment which is situate in Oni Poramboke land in S.No.256 of Balinayanapalli Village, formerly Krishnagiri Taluk, presently Burgur Taluk, Krishnagiri District forthwith which was encroached by the respondents 10 and 11.

For Petitioner : Mr.A.Ilayaperumal

For Respondents : Mr.M.K.Subramanian
Government Pleader
for R.1 to R.8

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

We have heard the learned counsel for the parties and perused the records produced before us.

2. The compliance report filed by the 6th respondent/Tahsidar affirms that out of the two encroachments made in S.F.No.256, one encroachment of Mr.Munusamy was already demolished on 04.03.2016 fully, while in the case of Tmt.Saroja, the house was only partially evicted, as a part of the construction lies on the patta lands of one Saminathan in S.F.No.245/2 and one Muniyappan in S.F.No.245/3, and thus, eviction could not be made under the Tamil Nadu Land Encroachment Act, 1905. A reply is stated to have been sent in this behalf to the petitioner on 26.07.2016.

3. What emerges is that the encroachments have been removed and learned Government Pleader on instructions from the Tahsildar states that all rubble has been removed. It will be

the obligation of the Tahsildar to ensure that no re-encroachment takes place.

4. Insofar as the part of encroachment lying on the patta lands of other individuals is concerned, naturally the authorities will not be able to take action, unless the patta holders seek some action in accordance with law.

5. The writ petition stands closed, leaving the parties to bear their own costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ksr

To

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Krishnagiri District.

9.The President,
Balinayanapalli Village Panchayat,
Balinayanapalli Village,
Burgur Taluk, Krishnagiri District.

+lcc to Mr.A.Ilayaperumal, Advocate, S.R.No.46105
+lcc to the Government Pleader, S.R.No.45794

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MG(CO)
CA(23/08/2016)



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