

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.41493 of 2016

A.Marimuthu

.. Petitioner

-vs-

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 4.The Block Development Officer,
Kaveripattinam,
Krishnagiri District.
- 5.The Inspector of Police, Kaveripattinam Police Station,
Krishnagiri District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 5 to take appropriate action to remove the fencing in Survey No.124/2 situate at Karadi Halli Village, Krishnagiri Taluk and District which is a pathai poramboke and to re-lay the road in its original position from Mariamman Temple to Bannihalli border based on petitioner's representation dated 27.10.2016 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 to R5

* * * * *

ORDER

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

This is the third round of litigation for the same relief of removal of encroachment. Our attention was drawn to page 21 of the typed set of documents, which is the representation by the petitioner to the District Collector, Krishnagiri on 27.10.2016, regarding the series of authorities which the petitioner approached. When finally he was sent to Kaveripattinam Revenue Inspector and the Divisional Deputy Tahsildar, they had jointly directed the petitioner to get separate orders from this Court in their favour directing them to initiate action to evict the encroachment. This aspect greatly troubled us because it implies that the authorities are incapable of taking action against the encroacher, unless there is direction of this Court.

2. The learned Additional Government Pleader requested for pass over to obtain requisite instruction in this behalf.

3. The learned Additional Government Pleader now states on instruction from Mr.Kumaravel, Zonal Deputy Tahsildar, Kaveripattinam, who happened to be in Court for some other matter, that this averment is not correct as action was taken on 22.11.2016, but there was a resistance by a lady member of the family of the encroacher and thus, police assistance has been sought and the removal action is scheduled on 30.11.2016.

3. We direct that respondent No.5 will make available the requisite police force, including women constables, so as to ensure that action is completed on 30.11.2016.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Tahsildar,
Krishnagiri Taluk,
Krishnagiri District.

- 3.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 4.The Block Development Officer,
Kaveripattinam,
Krishnagiri District.
- 5.The Inspector of Police,
Krishnagiri District.

+1 cc to Mr.C.Prabakaran,advocate,sr.69350

+1 cc to Government Pleader,sr.69244.

ss(co)
krd 29/11

W.P.No.41493 of 2016



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