

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

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

W.P.No.5732 of 2016

T.Muniappan

.. Petitioner

-vs-

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
4. The Tahsildhar,
Krishnagiri Taluk,
Krishnagiri District.
5. The Tahsildhar,
Burgur Taluk,
Krishnagiri District.
6. The Revenue Inspector,
Paleplli Revenue Firka,
Burgur Taluk,
Krishnagiri District.
7. The Village Administrative Officer,
Balinayanapalli Village,
Burgur Taluk,
Krishnagiri District.
8. The President,
Balinayanapalli Village Panchayat,
Balinayanapalli Village,
Burgur Taluk,
Krishnagiri District.

9.Saroja
10.Krishnan
11.Munisamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, direct the fifth respondent to implement the order of the second respondent in his Proceedings in Na.Ka.No.25118/2015/H3 dated 09.11.2015 by removing the encroachment which is situate in Oni Poramboke land in S.No.256 of Balinayanapalli village, formerly Krishnagiri Taluk, presently Burgur Taluk, Krishnagiri District forthwith.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1 to R8

* * * * *

ORDER

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

The learned Government Pleader has obtained instructions and states that the Tahsildar had taken necessary action by issuing notices under Sub-Sections 7 and 6 of Revenue (Ms) Order 26, whereafter orders were passed on 02.12.2015. It is stated that there are two encroachments on the road poramboke and those persons sought four months' time to vacate the same. It is undertaken to the Court that this time period would be strictly adhered to - it would get vacated on or before 02.04.2016.

2. The aforesaid statement is taken on record and the writ petition is disposed of. The copy of the order passed by the concerned authority be handed over to the learned counsel for the petitioner. No costs.

3. We may add that this litigation was unnecessary and would not have been initiated but for the failure of the authorities to inform the petitioner, who was a complainant. This is not the only case of this kind and we have been repeatedly emphasising that when action is taken in pursuance to a complaint, the result must be informed to the concerned parties. We make it clear that henceforth, if still there is no improvement, we will grant the actual costs to the petitioners who are compelled to approach the Court in such situations.

4. This order be brought to the notice of the Chief Secretary, Government of Tamil Nadu for issuing necessary direction within fifteen days from today.

bbr

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
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Balinayanapalli Village,
Burgur Taluk,
Krishnagiri District.
8. The President,
Balinayanapalli Village Panchayat,
Balinayanapalli Village,
Burgur Taluk,
Krishnagiri District.

Copy to:

The Chief Secretary to Government
Fort St.George, Chennai 9
(for issuing necessary direction
as directed herein)

+ 1 cc to Mr.A.Ilayaperumal, Advocate SR 10420

+ 1 cc to Government Pleader SR 10766

ug(co)
prk23/2

W.P.No.5732 of 2016



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