

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.10.2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 19366 of 2018
&
W.M.P. 22771 of 2018

G.Sridhar

... Petitioner

-Versus-

1. The District Collector,
Krishnagiri.
2. The Tahsildar,
Hosur,
Krishnagiri.
3. The Commissioner,
Hosur Municipality,
Krishnagiri Dt.

Impleaded as per order dated 24.10.2018
in W.M.P. No.27950 of 2018

4. Mr.S.Maathu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 3rd respondent, their men, agents and subordinates from laying the road in the petitioner's property and interfering with the petitioner's peaceful possession and enjoyment of the land situated at Survey No.152/2, Hosur, Krishnagiri District measuring 2 cents.

For Petitioner : Ms.R.Poornima

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader
for R1 & R2

: Mr.N.Subbarayalu for R3

ORDER

This writ petition has been filed seeking for a direction forbearing the 3rd respondent Municipality from laying the road in the petitioner's property in Survey No.152/2, Hosur, Krishnagiri District measuring an extent of 2 cents.

2. The case of the petitioner is that they are the owners of the property in Survey No.152/2, Hosur, Krishnagiri District and in the above property, during the UDR scheme, an extent of 2 cents has been wrongly earmarked as a road. Taking advantage of the UDR entry, now the 3rd respondent is taking steps to lay the road in the property. However, the petitioner already filed an application seeking to change the UDR entry before the District Collector, Krishnagiri and the enquiry in the petitioner's application was also commenced and the District Collector in and by its proceedings O.Mu.No.18007/2018/J2, dated 30.07.2018 has directed the Tahsildar and the Revenue Divisional Officer to submit a report. Pending enquiry, now the 3rd respondent is taking steps to lay the road. Hence, the present Writ Petition has been filed by the petitioner.

3. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1st and 2nd respondents submitted that as per the revenue records, an extent of 2 cents is classified as road and hence, the 3rd respondent is taking steps to lay the road in the above property.

4. I have considered the rival submissions and perused the records carefully.

5. Now, admittedly, an enquiry is pending before the District Collector in respect of the above disputed 2 cents of land. Until the enquiry is completed and an order is passed by the District Collector, the 3rd respondent cannot lay the road in the disputed property. In the said circumstances, the 1st respondent District Collector is directed to proceed with the enquiry and complete the enquiry within a period of twelve weeks from the date of receipt of the copy of this order after issuing notice to the petitioner and to pass final order. Till the final order is being passed in the enquiry by the District Collector, the 3rd respondent is directed not to lay the road in the disputed property.

6. In the result, this writ petition is disposed of with the above direction. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-d/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Krishnagiri.

2. The Tahsildar,
Hosur,
Krishnagiri.

3. The Commissioner,
Hosur Municipality,
Krishnagiri Dt.

+1 CC TO GOVERNMENT PLEADER SR.NO.73498

+1cc to Mr.Ms.R.Poornima, Advocate SR.No. 72975

+1cc to Mr. N.Subbarayalu, Advocate SR.No. 72764

+1cc to Mr.S.Saravanan , Advocate SR.No. 72462(22.01.2018)

W.P. 19366 of 2018
and
W.M.P. 22771 of 2018

ASK(21/12/2018)



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