

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.17847 of 2018
and
W.M.P.No.21144 of 2018

Venkata Reddy

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration
and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

3.The Collector,
Krishnagiri District,
Krishnagiri.

4.The Commissioner,
Hosur Municipality,
Hosur,
Krishnagiri District.

5.The Thasildar,
Hosur Taluk,
Hosur, Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents 1 to 5 not to construct Water Supply Over Head Tank and other buildings in the area measuring 30 cents in S.No.1058 situated near Park and our patta land bearing S.No.1061 of Alasanatham Revenue Village, Hosur Municipality, Krishnagiri District based upon the petitioner's legal Notice dated

22.02.2018 and his representation dated 10.4.2018 and provisions under the Tamil Nadu Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1959.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader
for R1 to 3 & 5
Mr.N.Subbarayulu
Standing counsel for R4

O R D E R

Heard Mr.S.Kumara Devan, learned counsel for the petitioner, Mr.N.Inbanathan, learned Additional Government Pleader for the respondents 1 to 3 and 5, Mr.N.Subbarayulu, learned Standing counsel for the fourth respondent and perused the materials available on record.

2. The petitioner has come forward with this writ petition seeking for issuance of a writ of mandamus, directing the respondents 1 to 5 not to construct a Over Head Water Tank and other building in the area measuring an extent of 30 cents in S.No.1058 situated near Park and his patta land bearing S.No.1061 of Alasanatham Revenue Village, Hosur Municipality, Krishnagiri District, based upon his legal Notice dated 22.02.2018 and his representation dated 10.4.2018.

3.The learned counsel for the petitioner submitted that the land in question is classified as poromboke land and it would suffice, if a direction is issued to the respondents 3 and 4 to consider the representation of the petitioner dated 10.4.2018.

4.The learned counsels for the respondents 3 and 4 submitted that the representation of the petitioner would be consider in accordance with law.

5. Considering the prayer sought for in this writ petition and the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents 3 and 4 to consider the representation of the petitioner dated 10.04.2018 and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 3.The Collector,
Krishnagiri District,
Krishnagiri.
- 4.The Commissioner,
Hosur Municipality,
Hosur, Krishnagiri District.
- 5.The Thasildar,
Hosur Taluk,
Hosur, Krishnagiri District.

+1cc to Mr.S.Kumaradevan, Advocate SR.No.46979
+1cc to Mr.Subbarayalu, Advocate SR.No.47639
+1cc to Government Pleader SR.No.47547

W.P.No.17847 of 2018
and
W.M.P.No.21144 of 2018

EV(CO)
GN(31/07/2018)