



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.40183 of 2005

and WP.M.P.Nos.16511, 18107 of 2006, 43094 of 2005

and WV.M.P.Nos.1854 and 559 of 2006

C.Manjula

.. Petitioner

-vs-

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Sub Collector,
Hosur Taluk, Krishnagiri.

3.The Tahsildar,
Hosur Taluk, Krishnagiri.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents, their men, servants or agents from in any manner interfering with the petitioner possession and enjoyment or demolishing the constructions in Door No.37/17A, Plot No.91, T.S.No.11/2A2, Kamaraj Colony 2nd Cross, Hosur Taluk, Krishnagiri.

For Petitioner : M/s.AL.Gandhimathi

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate.

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue writ of mandamus forbearing the respondents from in any manner interfering with the petitioner's possession and enjoyment or



demolishing the constructions in Door No.37/17A, Plot No.91 and T.S.No.11/2A2, Kamaraj Colony 2nd Cross, Hosur Taluk, Krishnagiri. It is the case of the petitioner that she is residing in T.S.No.11/2A2 and that the respondents are trying to dispossess her from the said property.

2.The first respondent filed a counter, wherein it has been stated that the petitioner is in possession of the property in T.S.No.11/2A2 and that she is trying to encroach the lands in S.No.11/2A1 and therefore, the authorities have taken action in respect of the encroachment made in S.No.11/2A1.

3.However, the learned counsel appearing for the petitioner disputed the stand taken by the first respondent to the effect that the petitioner had encroached the lands in S.No.11/2A1. Further, the learned counsel for the petitioner submitted that the petitioner's possession in respect of T.S.No.11/2A2 may be protected for the reason that the first respondent himself had admitted that she has got right in respect of the said property.

4.Mr.S.Kamalesh Kannan, the learned Government Advocate appearing for the respondents submitted that the petitioner's possession in respect of T.S.No.11/2A2 shall not be disturbed and the authorities are taking action only in respect of T.S.No.11/2A1.

5.Recording the submissions made by the learned counsel on either side, we make it clear that the petitioner's possession in respect of T.S.No.11/2A2 shall not be disturbed by the authorities and it is open to the authorities to proceed further in respect of the alleged encroachment made in respect of T.S.No.11/2A1.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

sra



To

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Sub Collector,
Hosur Taluk, Krishnagiri.

3.The Tahsildar,
Hosur Taluk, Krishnagiri.

+1cc to M/s.AL.Gandhimathi, Advocate SR.No.58269

+1cc to Government Pleader SR.No.58313

W.P.No.40183 of 2005

RV(CO)
GMY(07/08/2019)