

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.07.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.5844 of 2019

Annaiyappa

.. Petitioner

Vs

1 The District Collector
Krishnagiri
Krishnagiri District.

2 The Revenue Divisional Officer
Hosur, Krishnagiri District.

3 The Tahsildar
Denkanikottai Taluk
Krishnagiri District.

4 K.Prakasha

5 The Block Development Officer
Kelamangalam Panchayat Union
Krishnagiri Dist.

.. Respondents

(R5 impleaded vide order dt.11/03/2019
made in WMP.No.7096/19 in W.P.No.5844 of 2019)

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the proceedings of the 3rd respondent i.e. Na.Ka.4235/ 2018(B1), dated 09.02.2019 and to quash the same as illegal, incompetent and ultra vires and consequently forbear respondents 1 to 3 from vacating the petitioner from S.No. 997, Bairamangalam Village, Denkanikottai Taluk, Krishnagiri District, except in accordance with law.

For Petitioner

: Mr.R.Jayaprakash

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondents 1 to 3 and
5

ORDER

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

Heard Mr.R.Jayaprakash, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 to 3 and 5.

2. The petitioner is residing in the property situated at S.No. 997, Bairamangalam Village, Denkanikottai Taluk, Krishnagiri District. The petitioner seeks to quash the letter dated 9.2.2019 which is in relation to removal of encroachment in the above said land.

3. The learned Government Advocate has placed reliance on the counter affidavit filed by the fifth respondent, i.e., the Block Development Officer, Kelamangalam, wherein it is stated that the letter dated 9.2.2019 is only an internal communication from the Tahsildar to the Block Development Officer. It is further stated that as far as taking action in relation to the encroachment is concerned, it would be done only after following due process of law, i.e., by issuance of a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, followed by notice under Section 6 of the Act, and till then no action would be taken in relation to the removal of the encroachment in the said piece of land.

4. In view of the affidavit of the fifth respondent and the statement made by the learned Government Advocate, no further orders are required to be passed at this stage.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.6681 and 6682 of 2019 are closed.

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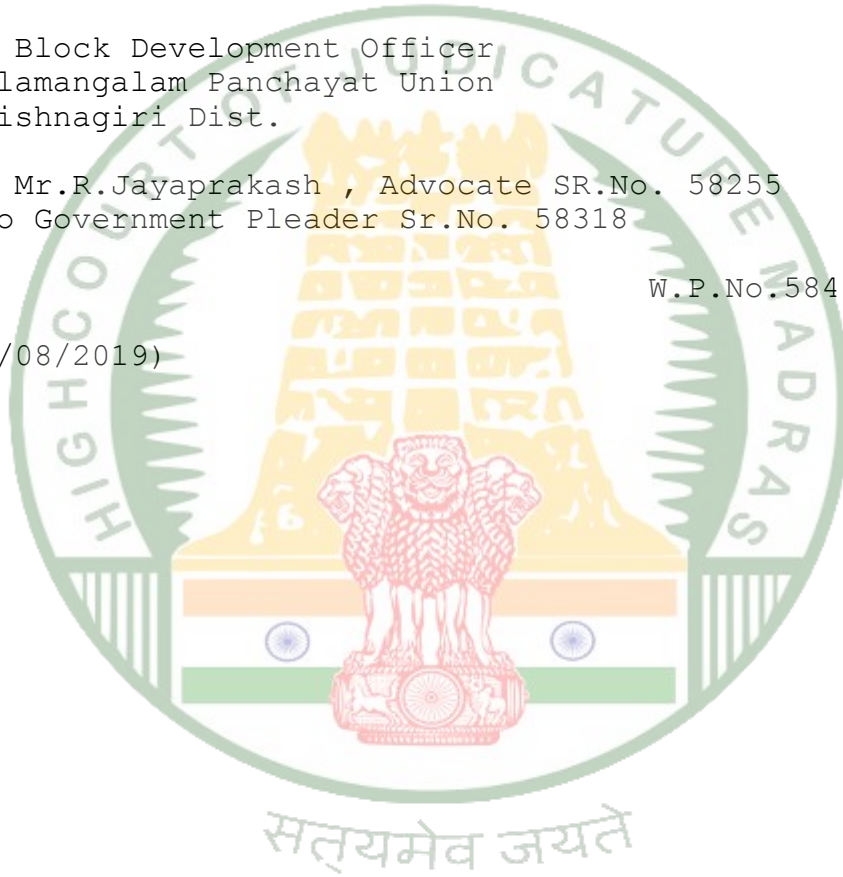
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- 4 The Block Development Officer
Kelamangalam Panchayat Union
Krishnagiri Dist.

+1cc to Mr.R.Jayaprakash , Advocate SR.No. 58255

+1 cc to Government Pleader Sr.No. 58318

W.P.No.5844 of 2019

A.SK(06/08/2019)



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