

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.24793 of 2018

M.Chandrappa

.. Petitioner

Vs.

1.The Sub Collector,
Hosur, Krishnagiri District.

2.The Tahsildar,
Dhenkanikottai Taluk,
Krishnagiri District.

3.The Village Administrative Officer,
VAO Office, Komaranapalli Village,
Denkanikottai Taluk,
Krishnagiri District.

4.N.Harish

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 06.09.2017 and take action against the 4th respondent for illegal occupation of Government Poramboke land in Survey No.522 situated at Komaranapalli Village, Denkanikottai Taluk, Krishnagiri District within a stipulated time.

For Petitioner : Mr.R.Bharath Kumar

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R3)
Mr.S.Thangavel (R4)

O R D E R

(Order of the Court made by the Hon'ble Chief Justice
and M.Duraiswamy, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 06.09.2017 and to

take action against the 4th respondent for illegal occupation of Government Poramboke land in Survey No.522 situated at Komaranapalli Village, Denkanikottai Taluk, Krishnagiri District within a time frame.

2.It is the case of the petitioner that the 4th respondent had encroached an extent of 10 cents in Survey No.524/4 situated at Komaranapalli Village, Denkanikottai Taluk, Krishnagiri District, which is classified as Poramboke, therefore, the respondents 1 to 3 should be directed to take immediate action to remove the encroachment and stop the illegal construction put up by the 4th respondent.

3.The 2nd respondent viz., the Tahsildar, Denkanikottai filed a counter wherein in paragraph - 4 he has stated that the 4th respondent's mother Gowramma is in possession of the land in Survey No.522, which is a Government Poramboke. The 2nd respondent has also stated that the authorities are also collecting B-memo charges for her occupation of the Government land. Further, the 2nd respondent has stated that the 4th respondent's mother is living in the said land, which is on the Northern corner of Survey No.522, for long years and also that the 4th respondent and his mother agreed to vacate the said house whenever the 2nd respondent asks them to vacate for the utilization of the Revenue Department.

4.In view of the averments stated in paragraph - 4 of the affidavit to the effect that in the case of necessity, the 4th respondent and his mother would vacate the land which belongs to the Government and that they are paying B-memo charges, there is no necessity for giving any further direction to the official respondents. Recording the statement made in paragraph - 4 of the counter filed by the 2nd respondent, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To

1.The Sub Collector,
Hosur, Krishnagiri District.

2.The Tahsildar,
Dhenkanikottai Taluk,
Krishnagiri District.

3.The Village Administrative Officer,
VAO Office, Komaranapalli Village,
Denkanikottai Taluk,
Krishnagiri District.

+1cc to Mr.S.Thangavel, Advocate SR.No.16159

+1cc to Mr.R.Bharathkumar, Advocate SR.No.16322

+1cc to Government Pleader SR.No.16612

W.P.No.24793 of 2018

KJI (CO)
GMY (14/03/2019)



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