

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.5467 & 5471 of 2020

W.P.No.5467 of 2020

M.Manjunathan

... Petitioner

Vs

1. The District Collector,
District Collectorate,
Krishnagiri.
2. The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Krishnagiri.
3. The Tahsildar,
Tahsildar Office,
Pochampalli.
4. The Superintending Engineer,
Highways Department (Construction and Maintenance),
Salem.
5. The Assistant Engineer,
Highways Department (Construction and Maintenance),
Kaveripattinam.
- 6.Venkatesan
- 7.Kuppuraj
- 8.Govindaraj
- 9.Sakthivel
- 10.Vediyappan
- 11.Mani
- 12.Murugesan
- 13.Subramani
- 14.Nagaraj Singh
- 15.Gokulramsingh
- 16.Gourammal

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17.Saravanan
18.Loganathsingh
19.Balajisingh
20.Sampath
21.Senthil
22.Venkatraman
23.Sriramalu
24.Gouravagounder
25.Ramasamynayudu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 to 5 to evict the encroachment made by the Respondents 6 to 25 as found in Survey No.133/2, 132/2, 147/2, 148/2, 78/1, 78/2, 78/3 of the Pannandhur Village, Pochampalli Taluk, Krishnagiri District within a time frame.

For Petitioner : Mr. J.Pradeep.

For Respondents: Mr.P.S. Sivashanmuga Sundaram,
Special Government Pleader.

W.P.No.5471 of 2020

V.Sakthivel

... Petitioner

Vs

1. The District Collector,
District Collectorate,
Krishnagiri.
2. The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Krishnagiri.
3. The Tahsildar,
Tahsildar Office,
Pochampalli.
4. The Superintending Engineer,
Highways Department (Construction and Maintenance),
Salem.
5. The Assistant Engineer,
Highways Department (Construction and Maintenance),
Kaveripattinam.

6.Sakthivel
7.Vediyappan
8.Mani
9.Murugesan
10.Subramani
11.Govindaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 to 5 to evict the encroachment made by the Respondents 6 to 11 as found in Survey No.133/2, 132/2, 147/2, 148/2 of the Pannandhur Village, Pochampalli Taluk, Krishnagiri District within a time frame.

For Petitioner : Mr. J.Pradeep.

For Respondents : Mr.P.S. Sivashanmuga Sundaram,
Special Government Pleader.

C O M M O N O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The Petitioners in the respective petitions alleges that their property is situated in the area adjacent to the State Highway running from Thatrahalli to Pandharahalli which are the Government Poromboke lands comprised in S.Nos.133/2, 132/2, 147/2, 148/2, 78/1, 78/2, 78/3 of Pannandhur Village and those lands have been encroached by the private respondents and they put up construction having houses and shops and thus, the petitioners gave representation to the respondents. Thereafter, on 30.11.2019, when the first respondent / District Collector, Krishnagiri visited the village, all the village people requested to remove the houses and shops which have been constructed by encroaching upon the above said lands. Since no action has been taken, the petitioners have come before this Court.

2.Heard Mr.J.Pradeep, learned Counsel for the petitioners in both the petitions and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the respondents 1 to 5 in both the petitions.

3.Though a larger relief has been sought for viz., Writ of Mandamus, directing the respondents to evict the encroachments, this Court is of the opinion that if the following order is passed, the same would be sufficient. Hence, notice to the private respondents at this stage is not necessary as this Court is only directing the official respondents to follow due process of law to conduct an enquiry with regard to the allegations made against the private respondents.

4.It is evident from the records that a communication dated 07.02.2020 has been sent by the Revenue Divisional Officer directing the Tahsildar to make an inspection and conduct an enquiry and file a report. However, it is not known as to whether Tahsildar has conducted any inspection or enquiry.

5.In view of the same, the Revenue Divisional Officer and Tahsildar are directed to conduct an enquiry and find out as to whether private respondents have encroached upon the property after giving notice to the petitioners in the respective petitions as well as to the private respondents and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this Order.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AD I)

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Sub Assistant Registrar

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To

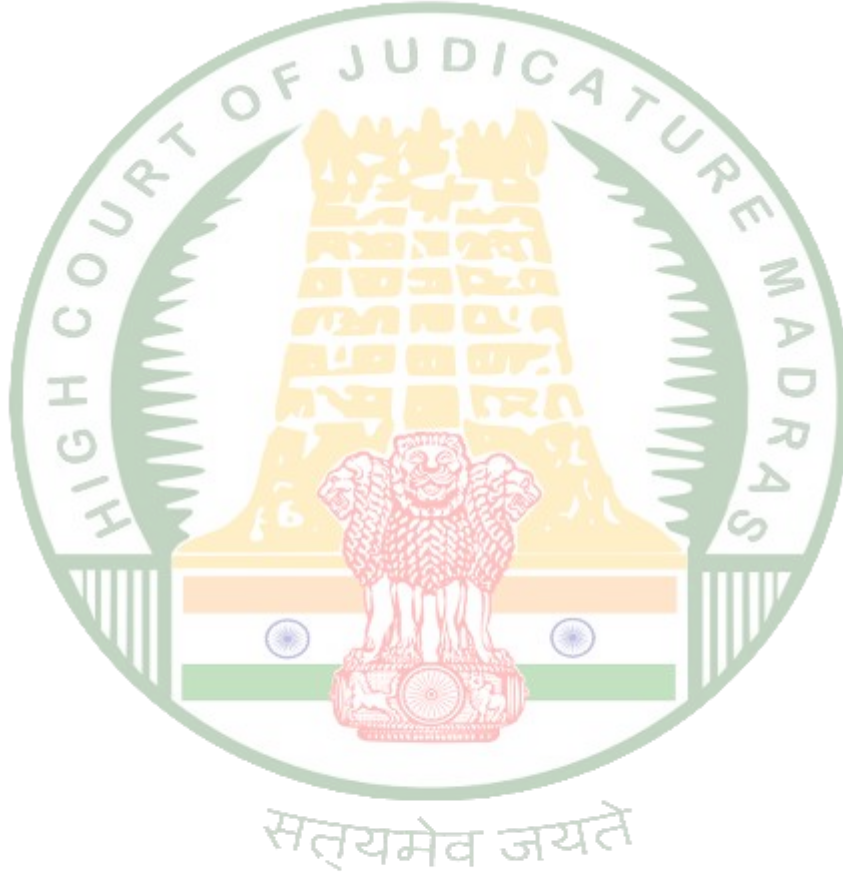
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Salem.

5. The Assistant Engineer,
Highways Department (Construction and Maintenance),
Kaveripattinam.

+2ccs to Mr.J.Pradeep, Advocate, S.R.No.19804
+1cc to the Government Pleader, S.R.No.20246

W.P.Nos.5467 & 5471 of 2020

SV(CO)
KKV/16/06/2020



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