

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.2547 of 2021

A.R.Narayanareddy .. Petitioner

Versus

1.The District Collector,
Krishnakiri District,
Krishnakiri.

2.The District Revenue Officer,
Krishnakiri District,
Krishnakiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.The Tahsildar,
Thenkanikottai District,
Krishnagiri District.

5.Muninanjappa

6.Mathesh

7.Manjunath

8.Thimmarayappa

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose the petitioner review application dated 06.01.2020 as per G.O.(Ms.) No.540 dated 04.12.2014 Revenue LD6 (2)] Department subsequently order to remove the encroachment put forth by the respondents 5 to 8 in the common pathway comprised in S.F.No.853/2 Podukal Poromboke situated at Aggondapalli Village, Krishnagiri District.

For Petitioner : Mr.N.Thirumalai
For RR1 to 4 : Mr.R.Vijayakumar

For RR 5 : Additional Government Pleader
Ms.K.Divya Preethika

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

It is a case of the petitioner that there exists a common pathway which leads to his agricultural land, comprised in S.F.No.853/2, classified as 'Podukal Poramboke' at Aggondapalli Village, Krishnagiri District. The petitioner would further state that the private respondents had encroached upon the said common pathway and started putting up constructions and in this regard, the petitioner has submitted a representation to the official respondent concerned and the 4th respondent, vide communication dated 21.01.2019 in kh/M/tp/F/vz;/45/2018/m5, stated that on inspection, it revealed that there exist a pathway in S.F.NO.853/2, admeasuring an extent of 0.15.5 hectare and since there are no encroachments, the question of taking action on the petitioner's representation, did not arise. The petitioner challenging the legality of the said order, has also filed a Review / Revision before the District Revenue Officer cum Sub District Magistrate at Krishnakiri, to remove the encroachment in pursuance of G.O.(Ms.) No.540, Revenue (LD6(2) Department, dated 04.12.2014 and came forward to file this Writ Petition, praying for expeditious disposal of the said revision petition.

2. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that encroachments caused by the private respondents have been removed on 11.12.2019 and however, the 8th respondent, namely Thimmarayappa, has once again encroached part of the land in the above said survey number and putting up a construction by using hollow bricks and in order to evict him, Section 7 of the Tamil Nadu Land Encroachment Act, 1905 notice dated 26.02.2021, has been issued and the entire process of eviction, in accordance with law, would be carried out within a period of four weeks from the date of receipt of a copy of this order / uploading of the order in the Website.

3. The learned Additional Government Pleader appearing for the official respondents would further submit that in the event of such notice being received by the private respondents, it is open to the them to workout their remedy in accordance with law before the competent Forum.

4. This Court has carefully considered the rival submissions and also perused the materials placed before it.

5. The 4th respondent has sent a communication dated

27.02.2021 in Na.Ka.No.2236/2019(a1), to the office of the Additional Government Pleader, Madras, stating about the fact that the 8th respondent has once again caused encroachment and steps taken to remove the encroachment caused by the 8th respondent.

6. This Court, taking into consideration the above facts and circumstances, directs the 4th respondent to proceed further in accordance with law, by adhering to the principles of natural justice and cause removal of alleged encroachment found in S.F.No.853/2, classified as 'Podukal Poramboke' at Aggondapalli Village, Krishnagiri District, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order / uploading of the order in the Website and communicate the decision taken to the petitioner, private respondents and any other persons concerned and the 4th respondent is also at liberty to approach the jurisdictional police official for providing sufficient protection / bandobast while carrying out the eviction process and police aid shall be provided to the said officials.

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Sk

To

1.The District Collector,
Krishnakiri District,
Krishnakiri.

2.The District Revenue Officer,
Krishnakiri District,
Krishnakiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.The Tahsildar,
Thenkanikottai District,
Krishnagiri District.

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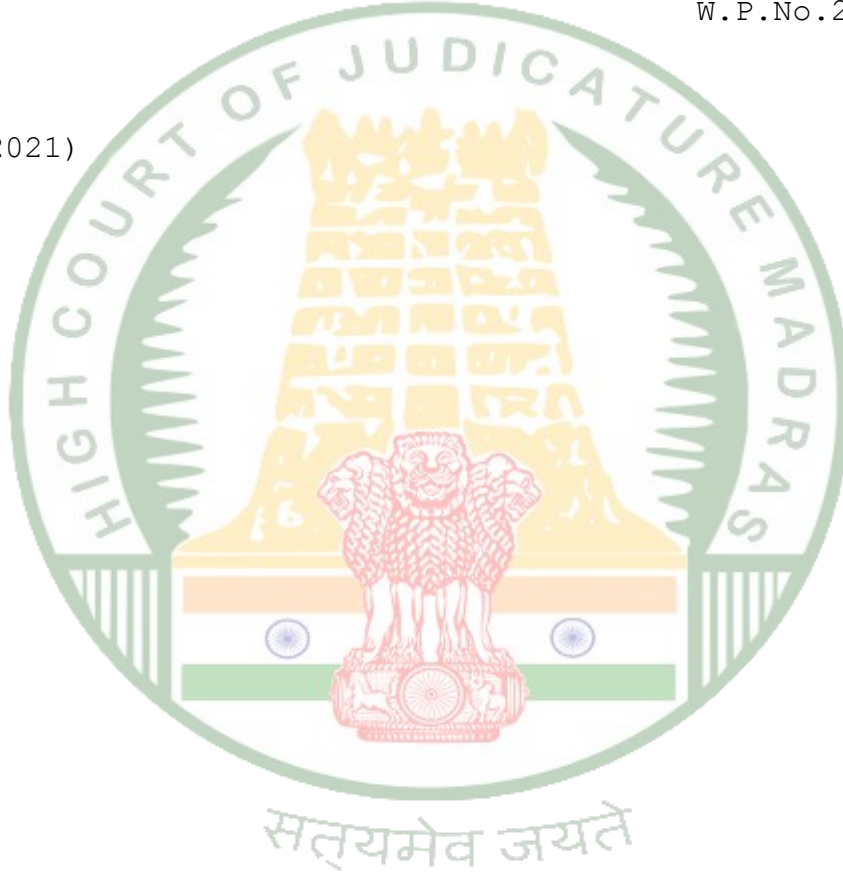
1.The Superintendent of Police,
Krishnagiri District.

2.The Station House Officer/
Inspector Of Police,
Thenkanikottai,
Krishnagiri District.

+lcc to the Government Pleader, S.R.No. 13181

W.P.No.2547 of 2021

PL(CO)
GN(18/03/2021)



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