

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4605 of 2021

Ganapathy Nagar and Balaji Nagar
Kudieruppour Nala Sangam
Rep. by its President B.Muniraj

... petitioner

Vs

1 The Secretary to Government
Government of Tamilnadu Ministry of
Municipal Administration and Water Supply
Fort St. George Secretariat
Chennai-600 009.

2 The District Collector
Krishnagiri District

3 The Superintendent of Police
Krishnagiri District

4 The Revenue Divisional Officer
Hosur Revenue Division
Krishnagiri District.

5 The Tahsildhar
Hosur Taluk, Krishnagiri District.

6 The Block Development Officer
Block Development Office
Hosur, Krishnagiri District.

7 The Commissioner
Hosur City Municipal Corporation
Hosur-635 109.

8 The Assistant Director
Town and Country Planning Authority
Hosur Taluk, Krishnagiri District.

... respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 8 to provide pucca roads in the entire layout of the Ganapathy Nagar situated in S.No.511/1C, 1D, 1E and 1F and S.No.513 present S.No.513/1 of Mathigiri Village by directing the respondents 9 to 11 not to encroach any roads in Ganapathy Nagar lay out Mathigiri Village Hosur Taluk Krishnagiri District which is situate within the Hosur City Municipal Corporation.

For Petitioner : Mr.A.Ilaya Perumal
For Respondents: Mr.Jayaprakash Narayanan,
State Government Pleader

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains about the alleged encroachment by certain individuals and seeks the construction of a pucca road by respondents 1 to 8. It is further asserted that a representation dated 07.11.2020 was submitted but no action has been taken thereon by the officials respondents.

2. Upon perusal of the affidavit, it appears that specific individuals claim title over the land on which the 30' road has been constructed. Consequently, a mandamus cannot be issued to direct such persons not to encroach on the land when the persons concerned have not been joined as parties.

3. However, without examining the merits or tenability of the petitioner's representation, the respondents 5 to 8 are directed to consider the representation and dispose of the same by a speaking order after providing a reasonable opportunity to all affected parties, including the persons named in the affidavit viz.Tmt.Jayamma, Thiru.N.Muniyappa and Thiru.Kothandaraman. Such a speaking order shall be issued within a period of eight weeks from the date of receipt of a copy of this order. In the event the petitioner is aggrieved thereby, it is open to the petitioner to pursue legal remedies, otherwise than by way of a public interest litigation, after establishing his locus standi.

4. W.P.No.4605 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary to Government
Government of Tamilnadu Ministry of
Municipal Administration and Water Supply
Fort St. George Secretariat
Chennai-600 009.
- 2 The District Collector
Krishnagiri District, Krishnagiri.
- 3 The Superintendent of Police
Krishnagiri District, Krishnagiri.
- 4 The Revenue Divisional Officer
Hosur Revenue Division, Hosur
Krishnagiri District.
- 5 The Tahsildhar
Hosur Taluk, Krishnagiri District.
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- 7 The Commissioner
Hosur City Municipal Corporation
Hosur-635 109.
- 8 The Assistant Director
Town and Country Planning Authority
Hosur Taluk, Krishnagiri District.

+1cc to Mr.Ilaya Perumal, Advocate SR.13044
+1cc to the Government Pleader SR.13144

W.P.No.4605 of 2021

MG(CO)
CB(17/03/2021)

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