

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM :

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

W.P.No.7272 of 2021

N.Gopal Reddy

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Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Krishnagiri District,
Krishnagiri.
- 3.The District Educational Officer,
District Education Office,
Hosur. Hosur Taluk.
Krishnagiri District.
- 4.The Tahsildar
Hosur Taluk,
Krishnagiri District.
- 5.The Block Development Officer,
Hosur Block, Hosur Taluk,
Krishnagiri District.
- 6.The President,
Sevaganapalli Village Panchayat,
Hosur Taluk,
Krishnagiri District - 635 103.

7.Aswatha Narayana Reddy

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to remove the illegal encroachment on the public street at S.No.258/26 situated at Sevaganapalli Village

and Post, Hosur Taluk, Krishnagiri District made by the 7th respondent by considering the petitioner's representation dated 24.02.2021.

For Petitioner : Mr.R.Jayaprakah

For Respondents: Mr.G.K.Muthukumar
Spl. Govt. Pleader for R-1,2,4 & 5.

Mr.C.Munusamy
Spl. Govt. Pleader for R-3

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains of encroachment on a public street at S.No.258/26, Sevaganapalli Village and Post, Hosur Taluk, Krishnagiri District. It is alleged that such encroachment is by the 7th respondent herein.

2. The writ petitioner states that he is a resident of Sevaganapalli Village and that the public street leads to a school and is also used by the general public extensively. The writ petitioner further asserts that the 7th respondent has encroached on this property, blocked the Government school road and restrained the public from using the public street. It is also stated that in spite of issuing multiple representations to the official respondents, no action has been taken in this connection.

3. Mr.G.K.Muthukumar, learned Special Government Pleader, accepts notice on behalf of respondents 1, 2, 4 and 5. Mr.C.Munusamy, learned Special Government Pleader, Education, accepts notice on behalf of the 3rd respondent. Mr.Muthukumar submits that an inquiry has to be conducted in order to ascertain as to whether the land in question comes within the jurisdiction of the Tahsildar or the Block Development Officer before taking action.

4. Accordingly, without examining the merits of the representation, respondents 4 & 5 are directed to consider the representation dated 24.02.2021 and dispose of the same by a speaking order after providing a reasonable opportunity to all parties affected thereby, including the 7th respondent herein. In view of the fact that the merits of the matter have not been examined and because the respondents 4 and 5 have been directed to hear the 7th respondent before passing an order, the writ petition is being disposed of without notice to the 7th respondent. The aforementioned speaking order shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

5. W.P.No.7272 of 2021 is disposed on the above terms.
There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Secretary to Government,
The State of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Krishnagiri District,
Krishnagiri.
- 3.The District Educational Officer,
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- 4.The Tahsildar
Hosur Taluk,
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- 5.The Block Development Officer,
Hosur Block, Hosur Taluk,
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- 6.The President,
Sevaganapalli Village Panchayat,
Hosur Taluk,
Krishnagiri District - 635 103.

+1cc to M/s.R.Jayaprakash, Advocate SR.18391
+1cc to the Government Pleader SR.18414 & 18618.

W.P.No.7272 of 2021

PL(CO)
CB(29/03/2021)