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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.37393 of 2015

M.K.Madhaiyan

.. Petitioner

Vs

- 1 The District Collector
Krishnagiri District
Krishnagiri.
- 2 The Revenue Divisional Officer
Appellate Committee at Divisional Level
Denkanikottai, Krishnagiri.
- 3 The Tahsildar
Denkanikottai
Krishnagiri - 635 107.
- 4 M/s.Taneja Aerospace and Aviation Ltd
Rep. by its Managing Director
Thally Road, Balagondapally
Hosur - 635 114.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent to conclude the proceedings as initiated by the 3rd respondent vide Proceedings in Na.Ka.No.73/2015/B1, dated 18.2.2015 and the petitioner's appeal dated 10.8.2015 pending with the 2nd respondent in respect of removal of the illegal encroachments and unauthorised constructions comprised in Survey No.200 and 189/2, Belakondapalli Village, Denkanikottai Taluk, Krishnagiri District (which is classified as Vari Poramboke) by forming the



various Redressal Committees and fixing dates of meetings as contemplated in G.O.(Ms) No.540 dated 4.12.2014 within a stipulated time.

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For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.C.Harsha Raj
Counsel for the State
for respondents 1 to 3

: Mr.S.Kumar
for 4th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petition has been instituted in public interest upon the perceived inaction on the part of the respondent authorities to remove the encroachment from parcels of land bearing Survey Nos.189/2 and 200 at Belakondapalli Village in Denkanikottai Taluk of Krishnagiri District.

2. The grievance of the petitioner is that despite encroachment having been discovered and the relevant land being classified as a vari poramboke, the revenue authorities have not taken appropriate steps to remove the encroachment.

3. A status report has been filed by the first respondent Collector of the District. The report reveals that the land at Survey No.189/2 measuring 0.01.5 hectare and the land measuring



1.37.5 hectare at Survey No.200 were, indeed, classified as vari in the revenue records. However, the report claims that the overflow from Munimaran Kuttai passes through the said vari at Survey No.200 during the rainy season only. The land bearing Survey No.200 lies in the middle of other parcels of land owned or in the possession of the fourth respondent. The fourth respondent has constructed a private aerodrome with aircraft parking facilities and areas for service and maintenance of aircraft.

4. According to the Collector, the encroachment at land bearing Survey No.189/2 has been removed and such land is lying idle and vacant.

5. It is submitted on behalf of the State that since the fourth respondent runs an aircraft maintenance facility and may have accidentally encroached the land bearing Survey No.200, the State has decided to grant a lease in favour of the fourth respondent in respect of such land, in accordance with law.

6. The fourth respondent is represented.

7. Since the decision of the State may be for the purpose of promoting industry and to ensure that the aerodrome facility set up by the fourth respondent is not disturbed, it will be open to



the State to execute a lease in respect of the land bearing Survey No.200 in favour of the fourth respondent. However, to the extent that such land is recognised in the revenue records to be a vari and it is also the Collector's case that it is a channel for flowing rain water in the rainy season, the fourth respondent should not disturb the nature or character of such land notwithstanding obtaining the lease from the State.

8. The deed of lease that may be executed by the State in favour of the fourth respondent should specifically refer to such condition as imposed by this Court.

W.P.No.37393 of 2015 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Krishnagiri District
Krishnagiri.
- 2 The Revenue Divisional Officer
Appellate Committee at Divisional Level
Denkanikottai, Krishnagiri.
- 3 The Tahsildar



Denkanikottai
Krishnagiri - 635 107.

+1cc to the Government Pleader, S.R.No.33961

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RSV (CO)
SU (20/07/2021)