

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20..07..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10834 of 2021

C.Muthusamy

... Petitioner

-Versus-

1.The District Collector,
Krishnagiri.

2.The Sub Collector,
Hosur,
Krishnagiri.

3.The Divisional Engineer,
Highways Department,
Krishnagiri.

4.The Assistant Divisional Engineer (Highways),
Hosur,
Krishnagiri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents, their men, agents and subordinates from disturbing the petitioner's peaceful possession and enjoyment of the land with shop at Old S.No57/A2, Now S.No.57/A2B measuring about 250 square at Shanthi Nagar, Ring Road, Hosur, Krishnagiri except otherwise in accordance with law.

1 of 4

For Petitioner : *Mr.R.Pusuthothaman*
For Respondent(s) : *Mr.Yogesh Kannadasan,*
Government Advocate
for RR1 to 4

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a mandamus forbearing the respondents, their men, agents and subordinates from disturbing the petitioner's peaceful possession and enjoyment of the land with shop situated at Old S.No57/A2, Now S.No.57/A2B measuring about 250 square feet at Shanthi Nagar, Ring Road, Hosur, Krishnagiri except otherwise in accordance with law.

2. The petitioner claims to be the absolute owner of the land measuring an extent of 4 cents having purchased the same by virtue of a registered sale deed dated 11.06.1979. According to the petitioner, a portion of the above said land was acquired by the respondent for road widening purpose and he has been in possession of the remaining portion of the land which was not the subject matter of acquisition proceedings. While so, a notice has been issued to the petitioner directing him to remove the encroachment and the respondents are disturbing the his peaceful possession. Hence, the present writ petition.

3. Today, when the matter has been taken up for hearing, the learned

Government Advocate, on instructions, submitted that no notice was issued in respect of the property comprised in S.No.57/A2B. As the petitioner had encroached upon a portion of the land belonging to the Highways Department, a notice was issued to him and after the issuance of notice, the petitioner himself had removed the encroachment. This factual aspect of the matter has not been disputed by the learned counsel for the petitioner.

4. In view of the submission made by the learned Government Advocate, nothing survives for further adjudication in this matter except to record his statement.

5. Recording the submission made by the learned Government Advocate, this writ petition is closed. No costs.

Index : yes / no

Internet : yes / no

Speaking / Non Speaking Order

kmk

20..07..2021

To

1.The District Collector, Krishnagiri.

2.The Sub Collector, Hosur, Krishnagiri.

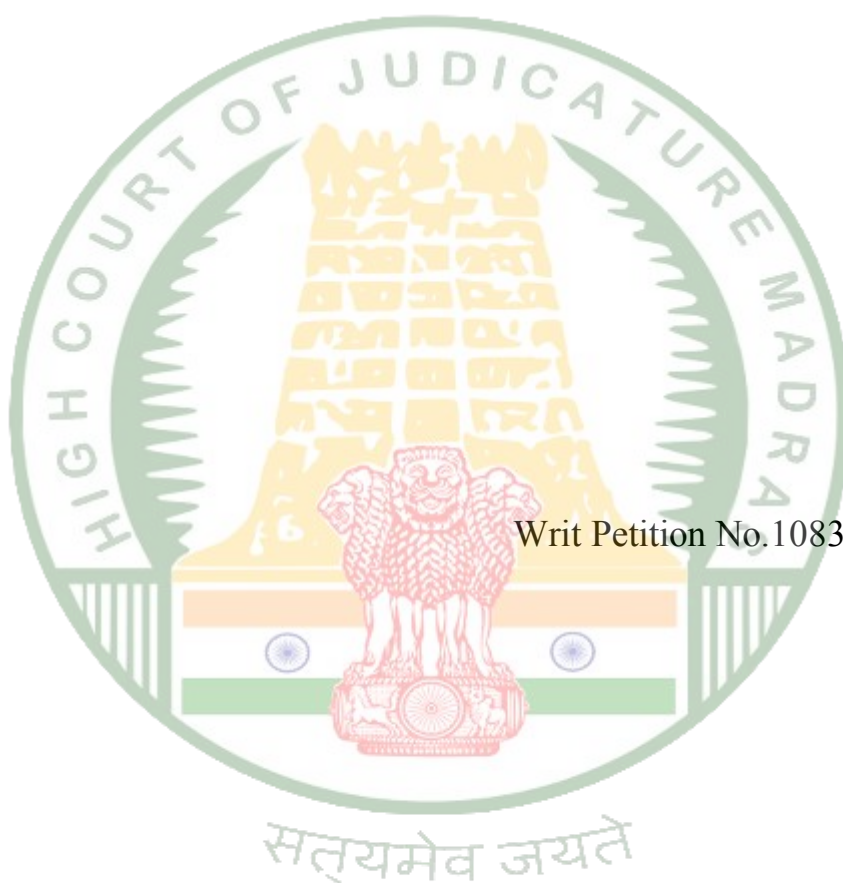
3.The Divisional Engineer, Highways Department, Krishnagiri.

4.The Assistant Divisional Engineer (Highways), Housur, Krishnagiri.

W.P.No.10834 of 2021

V.BHARATHIDASAN.J.,

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