

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13071 of 2021

N.Narayana Reddy

.. Petitioner

Vs.

1.The District Collector,
Krishnagiri District, Krishnagiri.

2.The Divisional Engineer Highways,
Office of the Divisional Engineer (H),
Krishnagiri Division, Krishnagiri District.

3.The Assistant Divisional Engineer Highways,
Office of the Assistant Divisional Engineer (H),
Hosur Sub-Division, Hosur,
Krishnagiri District.

4.The Assistant Engineer,
Highways (C & M),
Hosur, Krishnagiri District.

5.The District Revenue Officer,
Krishnagiri District, Krishnagiri.

6.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

7.The Block Development Officer,
Hosur, Krishnagiri District.

8.M/s.Balaji Builders,
Rep. by C.Srinivasulu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 7 to remove the illegal encroachment made by the 8th respondent at Survey No.569C situated at Onnalvadi

Village & Taraff, Hosur Taluk, Krishnagiri District to an extent of 11,550 sq.ft. by considering the petitioner's representation dated 24.03.2021.

For Petitioner : Ms.R.S.Maitreya

For Respondents : Mr.P.Muthukumar
Counsel for Government
for RR 1 to 7

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains that the land in S.No.569C, which is a Government poramboke land vested with the Highways Department, has been encroached upon by the eighth respondent.

2. The writ petitioner states that the eighth respondent had developed plots in the adjoining survey numbers and that S.No.569/C, which is a Government poramboke land, was encroached upon. It is further stated that the eighth respondent applied for regularisation of the layout and obtained an order on 07.02.2019 in that connection. The writ petitioner relies upon the proceedings of the sixth respondent dated 02.03.2021 and states that by such proceedings, the sixth respondent-Tahsildar recorded that the said land is Government land.

3. Mr.P.Muthukumar, learned counsel for the Government, accepts notice on behalf of respondents 1 to 7 and states that the Highways Department is the appropriate authority to act on the petitioner's representation.

4. Consequently, without going into the merits of the matter, we grant leave to the petitioner to submit a fresh representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to consider such representation and dispose of the same by a reasoned order, after providing a reasonable opportunity of hearing both to the petitioner and to the eighth respondent. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of the representation. On account of the fact that the second respondent has been directed to hear the eighth respondent before passing orders, the writ petition is being disposed of without notice to the eighth respondent herein.

W.P.No.13071 of 2021 is disposed of on these terms without any order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sra

To:

- 1.The District Collector,
Krishnagiri District, Krishnagiri.
- 2.The Divisional Engineer Highways,
Office of the Divisional Engineer (H),
Krishnagiri Division, Krishnagiri District.
- 3.The Assistant Divisional Engineer Highways,
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Hosur Sub-Division, Hosur,
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- 4.The Assistant Engineer,
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- 6.The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- 7.The Block Development Officer,
Hosur, Krishnagiri District.

+1cc to Mr.R.Jayaprakash, Advocate SR.No.29090

W.P.No.13071 of 2021

SR II(CO)
GMY(02/07/2021)