



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2021

WEB COPY

CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.16374 of 2018

M.Sampangi .. Petitioner

Versus

- 1.The District Collector,
District Collectorate Office,
Krishnagiri, Krishnagiri District.
- 2.The District Revenue Officer,
District Revenue Office,
Krishnagiri, Krishnagiri District.
- 3.The Revenue Divisional Officer,
Divisional Office,
Hosur 635 109, Krishnagiri District.
- 4.The Tahsildar,
Taluk Office,Hosur 635 109,Krishnagiri District.
- 5.The Revenue Inspector,
Mathigiri Firka,
Hosur Taluk, Krishnagiri District.
- 6.Mr.A.Srinivasan
- 7.Mr.A.Rajappa
- 8.Mr.A.Venkatesh
- 9.Mr.A.Ramanji
- 10.Mr.A.Chinnaraj
- 11.Mr.B.Basavaraj
- 12.Mr.B.Narayanappa
- 13.Mr.B.Venkatesh .. Respondents



Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus Directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 13 in poramboke lands bearing Survey No. 350 of Thorapalli Agraharam Village and Survey No. 4/1 of Onnalvadi Village, Hosur Taluk, Krishngiri district and restore the existing channel cum cart-track based on the petitioners representation dated 23.04.2018 within the time to be stipulated by this Court.

For Petitioner :Mr.R.Bharath kumar
For RR1 to 5 :Mr.R.Vijayakumar
Additional Government Pleader

ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The petitioner, alleging encroachment upon S.F.No.350 of Thorapalli Agraharam Village, and S.F.No.4/1 of Onnalvadi Village, Hosur Taluk, Krishnagiri District, with further direction to restore the existing channel based on his representation dated 23.04.2018, came forward to file this Writ Petition.

2. Heard the submission of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appears for the official respondents, who has drawn the attention of this Court to the counter affidavit of the 4th respondent dated Nil 2021.

3. In paragraph no.3 of the said counter affidavit, the 4th respondent took a stand that there is no encroachment in the Government land and insofar as S.F.No.4/1, admeasuring to an extent of 0.30.0 hectare of Onnalvadi Village is concerned, the petitioner himself is an encroacher and penalty has been levied against him and since there are no encroachment in the Government land, the Writ Petition can be given disposal accordingly.

4. The learned counsel appearing for the petitioner would submit that whatever the alleged encroachment on his part in respect of the land in S.F.No.4/2 of Onnalvadi Village, has been removed and in the light of the stand taken by the 4th respondent in paragraph no.3 of the counter affidavit, this Court may pass appropriate orders.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.



6. The 4th respondent took a stand that there are no encroachments in the land in S.F.No.350 of Thorapalli Agraharam Village, which is classified as water course Channel as per the Government records and it lies adjacent to the land in S.F.No.4/1 of Onnalvadi Village and in respect of the Government land, there is no encroachments.

7. In the light of the said stand, no further orders are necessary in this Writ Petition. However, it is made clear that duties cast upon the official respondents to prevent any further encroachment or re-encroachment on the said Government land.

8. In the result, the Writ Petition is closed with the above observations. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
District Collector Office,
Krishnagiri, Krishnagiri District.

2.The District Revenue Officer,
District Revenue Office,
Krishnagiri, Krishnagiri District.

3.The Revenue Divisional Officer,
Divisional Office,
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4.The Tahsildar,
Taluk Office, Hosur 635 109, Krishnagiri District.

5.The Revenue Inspector,
Mathigiri Firka,
Hosur Taluk, Krishnagiri District.

+1 cc to Mr.R.Bharath Kumar, Advocate Sr No.20639
+1 cc to Government Pleader, Sr No.21025

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GPL (CO)
RG.28.04.2021 (3P/8C)