

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM :

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

W.P.No.31221 of 2019

N.Krishna Reddy

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Hosur, Krishnagiri District.
5. The Tashildar,
Denkanikottai Taluk,
Denkanikottai,
Krishnagiri District.
6. K.Raghavendra Raju
7. Kesava Reddy

.. Respondents

(Respondent Nos.6,7 and impleaded as per order in
W.M.P.No.33821 of 2019 dated 4.12.2019)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 5 to take severe action as against the encroachers i.e. respondents 6 and 7, who are all wantonly encroached the cart track cum pathway used by the people of

Hanumanthapuram Village and other villagers in S.No.58/2A, S.No.58/2B and S.No.91/10 of Hanumanthapuram Village based upon the representation given by the village people. (Prayer amended as per order in W.M.P.No.4157 of 2020, dated 02.3.2020).

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.1 and 5

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The writ petitioner complains of encroachment by respondents 6 and 7 in Survey Nos.58/2A, 58/2B and 91/10 of Hanumanthapuram Village, Krishnagiri District.

2. According to the writ petitioner, the said survey numbers are public lands, which are classified as cart track in the relevant revenue records. In spite of submitting representations to the official respondents, no action has been taken thereon.

3. Learned State Government Pleader submits that the land in Survey No.91/10 has not been encroached upon. As regards Survey Nos.58/2A and 58/2B, the said lands appear to be patta lands and not Government lands. Thus, it appears that the assertions of the writ petitioner are not admitted by the State. However, learned State Government Pleader submits that a further inquiry would be held in case a fresh representation is submitted by the writ petitioner by enclosing all relevant materials.

4. Accordingly, without examining the merits of the petitioner's case, the petitioner is permitted to submit a fresh representation to the fifth respondent enclosing all relevant materials within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the fifth respondent is directed to consider such representation and dispose of the same by a reasoned order after providing a reasonable opportunity to all affected parties, including respondents 6 and 7 herein. In view of the fact that the merits of the matter have not been examined and considering the fact that the fifth respondent has been directed to hear respondents 6 and 7 before passing orders, the writ petition is being disposed of without hearing respondents 6 and 7. The aforesaid reasoned order shall be passed within a period of eight weeks from the date of receipt of such representation.

5. W.P.No.31221 of 2019 is disposed of on the above terms.
There will be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Land Administration,
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Chennai.
3. The District Collector,
Krishnagiri District,
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4. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Hosur, Krishnagiri District.
5. The Tashildar,
Denkanikottai Taluk,
Denkanikottai,
Krishnagiri District.

+1cc to Mr.S.Kumara Devan, Advocate, S.R.No.19255.
+1cc to the Government Pleader, S.R.No.19917.

W.P.No.31221 of 2019

PCH(CO)
CSR 01.04.2021