

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.1793 of 2022

D.G.Umamaheswari

... Petitioner

vs

1.The Revenue Divisional Officer,  
Krishnagiri,  
Krishnagiri District.

2.The Tahsildar,  
Krishnagiri,  
Krishnagiri District.

3.The Commissioner,  
Krishnagiri Municipality,  
Krishnagiri District.

4.The Sub Inspector of Survey,  
Krishnagiri Municipality,  
Krishnagiri.

5.K.V.Subramani

6.S.Senthamarai

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to dispose petitioner's appeal in Na.Ka.No.95/2019/C dated 31.01.2019 on the file of the first respondent within a time frame.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.V.Sajeev Kumar,  
Special Government Pleader  
for R1 to R4

## ORDER

[Order of this Court was delivered by T.RAJA, J.]

This petition has been filed seeking a direction to the Revenue Divisional Officer, Krishnagiri, Krishnagiri District, the first respondent herein to dispose of the petitioner's appeal dated 31.01.2019 in Na.Ka.No.95/2019/C on the file of the first respondent within a time frame.

2.Learned counsel appearing for the petitioner submitted that the petitioner has purchased a piece of land through the registered Sale Deed dated 12.06.2014 in D.No.2042 of 2014, situated at Bohanapalli, Krishnagiri Town in Survey No.892, Plot No.19 to the extent of 2100 sq.ft. and that there is a public road on the northern and eastern side of the petitioner's land and that the Municipality also laid thar road in the marked public road. While so, respondents 5 and 6 purchased the plot on the eastern side of the petitioner's land and constructed a community hall in the name of S.S.Thirumana Mandapam, by encroaching the public road, pathway and the petitioner's land, in order to develop their land by raising compound wall. Since there is no parking space for the Thirumana Mandapam, and the encroachment made by respondents 5 and 6 has blocked the ingress and egress of the public movement and the users of the common road, this has created a great hindrance and inconvenience for the residents and has constrained the residents to take long distance to reach the other side of the village. Therefore, the petitioner has filed an appeal before the Revenue Divisional Officer, Krishnagiri, Krishnagiri District, the first respondent herein for removal of encroachment under Section 147 of Cr.P.C. on 31.09.2019 and the same was taken on file and the Tahsildar, Krishnagiri, Krishnagiri District, the second respondent herein by Proceedings dated 19.09.2019, directed the Surveyor to survey the land and file a report. On 23.11.2021, the second respondent sent a letter to the third respondent to take an appropriate action on the petitioner's representation. As there was no response, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 4 submitted that since the second respondent has already issued Proceedings dated 19.09.2019 directing the Surveyor to survey the land and to file a report, four weeks' time be given for initiating the process by identifying the encroached area.

4.Since the Tahsildar, Krishnagiri, Krishnagiri District, the second respondent herein had already initiated the process for identifying the encroached area by directing the Surveyor to survey the land and to file a report, after giving notice to the petitioner and respondents 5 and 6, respondents 1 to 4 are directed to find out as to whether the claim of the petitioner is true or not and if respondents 5 and 6 have

encroached into the public road and also the petitioner's land, the encroachment shall be removed, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

vga

To

- 1.The Revenue Divisional Officer,  
Krishnagiri,  
Krishnagiri District.
- 2.The Tahsildar,  
Krishnagiri,  
Krishnagiri District.
- 3.The Commissioner,  
Krishnagiri Municipality,  
Krishnagiri District.
- 4.The Sub Inspector of Survey,  
Krishnagiri Municipality,  
Krishnagiri.

+1 cc to Mr.J.Pradeep, Advocate Sr.NO. 8600

W.P.No.1793 of 2022

GPL(CO)

A.SK(03/03/2022)