

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.Nos.12578 and 6157 of 2022

and W.M.P.Nos.7093, 6229 and 12029 of 2022

D.Santhosh Kumar

..Petitioner in both WPs.

Vs

1.Block Development Officer,
Hosur, Krishnagiri District.

2.The Tahsildar,
Hosur Taluk, Krishnagiri District.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

..Respondents 1 to 3 in both WPs.

4.Suresh Reddy

..4th Respondent in WP.12578/2022

Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of (i) WP.12578/2022 - Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in Na.ka.4267/2020/E7 dated 18.04.2022 and quash the same as illegal and ultravires and consequently direct the 1st respondent not to take any coercive steps/ actions in respect of Villas constructed in S.No. 828, 829, 840, 841, 842, 843, 850, 851 and 852 of Poonapalli Village, Hosur Taluk, Krishnagiri District; and (ii) WP.6157/2022 - Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Na.Ka.4267/2021/W7 dated 23.02.2022 and quash the same as illegal incompetent and ultravires and consequently direct the first respondent do not disturb the constructions of the Petitioner in S.Nos.841, 842, 843, 850, 851 and 852 of Poonappalli Village, Hosur Taluk, Krishnagiri District.

For the Petitioner : Mr.N.Vijaya Basker
For the Respondents : Mr.J.Ravindran
Addl. Adv. General
assisted by Mr.A.Selvendran,
Spl.G.P. for RR 1 to 3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petitions have been filed to challenge the notices dated 18.04.2022 and 23.02.2022 issued by the Block Development Officer. It is alleging encroachment by the petitioner on the land belonging to the road and facility area and therefore, the impugned order itself directs for survey of the land by the Revenue Officers in the presence of the police.

2. The learned counsel for the petitioner submits that he is not in occupation of the land in excess of what was given to him under the patta and further, there is no encroachment by him on the land belonging to the road or facility area. The further action may be after survey of the land by the Revenue Officers fixing the boundaries, but not at the instance of officials of the Panchayat.

3. Learned Additional Advocate General submits that even the notice dated 18.04.2022 makes it clear that survey of the land be conducted by the Revenue Officers in the presence of the police, thus, further action would be after survey of the land and if it is found that the petitioner or for that, anybody else has made encroachments, the same would be removed.

4. In view of the above, this writ petition is disposed of with liberty to the respondents to proceed further in furtherance to the notices under challenge to remove the encroachment, if any, after conducting a survey by the Revenue Officer competent for that purpose and it would be in the presence of the petitioner. The survey of the land would be conducted not later than the period of one month from today and further action would depend on the outcome of the survey. If any encroachment is found, the respondents would remove it. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Block Development Officer,
Hosur, Krishnagiri District.
2. The Tahsildar,
Hosur Taluk, Krishnagiri District.
3. The Revenue Divisional Officer,
Hosur, Krishnagiri District.

+lcc to Government Pleader SR. No. 36163
+lcc to Mr.M.P.Saravanan, Advocate SR. No. 35429
+lcc to M/s.Law Vision, Advocate SR. No. 36661

W.P.Nos.12578 and 6157 of 2022

CA (CO)
PR (11/07/2022)