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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33307 of 2014

P.Mallaiya

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District.

2. The Tahsildar,
Hosur Taluk Office,
Hosur,
Krishnagiri District.

3. The Commissioner/Executive Officer,
Hosur Municipality Union,
Hosur Taluk,
Krishnagiri District.

4. The Inspector of Police,
SIPCOT Police Station,
Hosur,
Krishnagiri District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to remove the illegal construction of pond made on petitioner's lands bearing Survey Nos.502/1B, 1B1A & 1B2A.No.502/1B2A in Jujuvadi Village, Hosur Taluk within a stipulated time as may be fixed by this Hon'ble Court and failing compliance, direct the respondents 1 and 2 to remove the illegal construction with the help of 4th respondent police.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.R.Vigneswaran
Government Advocate



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to remove the illegal construction of pond made on the petitioner's lands bearing Survey Nos. 502/1B, 1B1A and IB2A.No.502/1B2A in Jujuvadi Village, Hosur Taluk within a stipulated time as may be fixed by this Court and failing compliance, direct the respondents 1 and 2 to remove the illegal construction with the help of fourth respondent police.

2.The case of the petitioner is that the petitioner is the owner of the subject property, however, the third respondent without any Authority, entered into the petitioner's property and formed a pond. Objecting the same, the petitioner made representation to the respondents and since the same was not considered, filed W.P.No.22622 of 2010 before this Court and this Court vide order dated 11.11.2013, directed the second respondent therein to dispose of the petitioner's representation and liberty was given to the petitioner to produce all the materials and documents in his possession before the second respondent therein.

3.The further case of the petitioner is that pursuant to the order of this Court dated 11.11.2013, survey was made and boundary stones were planted and the encroachment made by the third respondent was clearly noted down. However, the encroachment was not removed. Hence, the petitioner made representation dated 27.08.2014 to the respondents and since there was no response has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 27.08.2014 and to pass appropriate orders within a reasonable time frame.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 27.08.2014, on merits and in accordance with law and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Krishnagiri District.
2. The Tahsildar,
Hosur Taluk Office,
Hosur,
Krishnagiri District.
3. The Commissioner/Executive Officer,
Hosur Municipality Union,
Hosur Taluk,
Krishnagiri District.
4. The Inspector of Police,
SIPCOT Police Station,
Hosur,
Krishnagiri District.

+1cc to Mr.R.Veeramani, Advocate SR. No. 34635

W.P.No.33307 of 2014

SJ (CO)

PR (30/06/2022)