



W.P. No.32736 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.32736 of 2022

Yellama

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Petitioner

versus

1.The District Collector,
Krishnagiri District.

2.The District Revenue Officer,
Shoolagiri Taluk, Krishnagiri

3.The Tahsildar,
Shoolagiri Taluk, Krishnagiri

4.The Block Development Officer,
Shoolagiri Panchayat Union,
Shoolagiri Taluk, Krishnagiri

5.The Revenue Inspector,
Shoolagiri Taluk, Krishnagiri

6.The Village Administrative Officer,
Shoolagiri Taluk, Krishnagiri

7.The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.

8.Krishnaveni

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Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 6 to remove the encroachment in S.No.123/1B Extent Hector 0.24.5 or Acre 0.60 ½ out of this Acre 0.48 ½ Cent, Krishnapalayam Village, Soolagiri Taluk, Krishnagiri District.



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For the Petitioner :: Mr.S.Nambirajan
For the Respondents :: Mrs.R.Anitha,
Special Government Pleader,
for fourth respondent
Mr.A.Selvendran,
Special Government Pleader,
for respondents 1 to 3, 5 to 7

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a Writ of Mandamus directing respondents 1 to 6 to remove the encroachment in S.No.123/1B, Krishnapalayam Village, Soolagiri Taluk, Krishnagiri District.

2. According to the petitioner, her ancestors were enjoying the land covered in S.No.123/1B, Krishnapalayam Village, Soolagiri Taluk, Krishnagiri District. The petitioner has four brothers and one sister and they all have equal share in the said property. Initially, the petitioner's brother sold the property without getting the approval and signature of other co-sharers. Therefore, the petitioner filed a suit against her siblings in O.S.No.386 of 1996 before the Sub Court, Hosur, Krishnagiri and the same was decreed on 21.09.1998. Thereafter, boundaries were marked and the petitioner's share was given to her. The petitioner settled her share in favour of her son Mani and the same was registered at the office of the Sub Registrar, Soolagiri, vide document No.2149/2020 dated 20.07.2020.



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3. According to the petitioner, third parties illegally trespassed into her property and gave life threat to her and her son. Hence, the petitioner lodged a police complaint before the Superintendent of Police, Krishnagiri District on 11.05.2022 and the same is pending investigation. The petitioner also sent a representation to the Tahsildar, Soolagiri Taluk, seeking patta. Since there is encroachment in her property, the petitioner has filed this petition, seeking a direction to the respondents to remove the same.

4. Mr.A.Selvendran, learned Special Government Pleader submitted that the property does not belong to the petitioner or her ancestors and that patta has been issued in the name of the eighth respondent. In support of the same, a copy of the patta has also been produced before us. A perusal of the patta shows that the petitioner is not the lawful owner of the property.

5. Since the precious time of this Court is wasted by the petitioner by filing this frivolous writ petition, the writ petition is dismissed with cost of Rs.15,000/- (Rupees Fifteen Thousand only), payable to the Tamil Nadu Legal Services Authority.

(T.R., ACJ.) (D.B.C., J.)
07.12.2022

Index: Yes/No
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

To

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