



W.P. No. 9311 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.9311 of 2019

1. S. Muthuvel
2. M. Murugesan
3. S. Pasuvaraj ..Petitioners

Vs.

1. The Tahsildar,
Office of the Tahsildar,
Pochampalli,
Krishnagiri District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Krishnagiri.
3. The District Collector,
Office of the District Collector,
Krishnagiri.
4. Gandhi
5. Govindan
6. Raman

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7. Lakshman
8. Sampath
9. Periyasamy

10. The Block Development Officer,
Pochampalli Taluk,
Krishnagiri District.

(R10 impleaded as per order dated 29.07.2019

By CJ & MDJ in W.M.P. No.20538 of 2019 in

W.P. No. 9311 of 2019.)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 3 to remove the encroachment made by respondents 4 to 9 in the burial ground in Village Survey No. 174/1 to an extent of 0.96.5 hectares at Thathampatti Village, Pochampalli Taluk, Krishnagiri District.

For Petitioner :: Ms.S. Gajalakshmi for
Mr.K.V. Sajeev kumar

For Respondents :: Mr.A. Selvendran,
Special Government Pleader for
R1 to R3
Mr.V. Karthikeyan for
Mr.Nicholas for R4 to R8

ORDER

(Made by *S. Vaidyanathan,J.*)

The present writ petition has been filed for issue of a Writ of



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Mandamus directing respondents 1 to 3 to remove the encroachment made by respondents 4 to 9 in the burial ground in Village Survey No. 174/1 to an extent of 0.96.5 hectares at Thathampatti Village, Pochampalli Taluk, Krishnagiri District.

2. The grievance of the petitioners appears to be that the private respondents have encroached upon the burial ground, which has resulted in great hardship and inconvenience to the petitioners as well as to the village people. The encroachment of the burial ground by respondents 4 to 9 has also interrupted with the water supply to the 1st petitioner's land as well as others besides obstructing his access to his land. Due to the apathetic attitude of the official respondents to the grievance of the petitioners, in spite of several representations to remove the encroachment, the present writ petition has been filed.

3. Since the petitioners have alleged encroachment by respondents 4 to 9, it would be appropriate to direct the Tahsildar/1st respondent herein or such other authority concerned to conduct an enquiry and take a decision to remove the encroachment, if any found, within a period of three months from the date of noticing the encroachment, after affording an opportunity of



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hearing to the petitioners as well as respondents 4 to 9. The officials concerned shall be provided with police protection for removal of encroachment, if any found. In case, the encroachment found is not removed within the time stipulated, then appropriate action shall be taken against the officials concerned in the light of the order dated 30.08.2023 passed by Madurai Bench of Madras High Court, in W.P.(MD) No. 16120 of 2023 (*N. Sankar V. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and 3 others*). The writ petition is disposed of accordingly. No costs.

(S.V.N.J.) (K.R.S.J.)

nv

15.12.2023

To

1. The Tahsildar,
Office of the Tahsildar,
Pochampalli,
Krishnagiri District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Krishnagiri.
3. The District Collector,
Office of the District Collector,
Krishnagiri.
4. The Block Development Officer,

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Pochampalli Taluk,
Krishnagiri District.



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S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

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