



Writ Petition No.8502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8502 of 2023

and

W.M.P.No.8691 of 2023

M.Jayaram

S/o.Late Muniappa

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Sub-Collector,
Hosur, Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.The Block Development Officer,
Block Development Office,
Hosur Taluk,
Krishnagiri District.

5.The President,
Onnalvadi Panchayat,
Hosur Taluk,
Krishnagiri District.

6.Yogananda
S/o.Hanumantha Reddy

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 5 and 6 from constructing Drainage Channel and to remove part construction already put up and to close the dug up portion in the petitioner's patta land measuring 0 Acre 47 cents comprised in Survey No.528/1A & 528/1B as per Patta No.573 & 621, situated at O.Karapalli Village, Hosur Taluk, Krishnagiri Distirct by considering the petitioner's representation dated 14.02.2023.

For Petitioner : Mr.Mohamed Afridi
for Mr.R.Jayaprakash

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [R1 to R3]
Mr.Edwin Prabhakar [R4 & R5]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents 5 and 6 from constructing any drainage channel and to remove the part of construction that has already been put up in the property belonging to the petitioner in Survey Nos.528/1A and 528/1B.

2. The case of the petitioner is that he is the absolute owner of the property in Survey No.528/1 by virtue of a registered sale deed dated 07.10.1959. Insofar as this property is concerned, the petitioner has also been issued patta in Patta No.573 by the Tahsildar. Likewise, the



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petitioner is the owner of the property in Survey No.528/1B and a patta was granted to the petitioner for this property also in patta No.621.

3. The grievance of the petitioner is that the respondents 5 and 6 are hastily taking steps to put up a drainage channel in the property belonging to the petitioner. The petitioner gave his objections through representation dated 14.02.2023. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard Mr.Mohamed Afridi, learned counsel for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader, appearing for respondents 1 to 3 and Mr.Edwin Prabhakar, learned counsel for respondents 4 and 5.

5. Learned Special Government Pleader appearing on behalf of respondents 1 to 3, based on the written instructions received from the third respondent, submitted that there was already a drainage channel in Survey No.528/1A (new Survey No.920/10) and since it was dilapidated and damaged, a fresh drainage channel was proposed to be constructed in the existing place. Learned Special Government Pleader also drew the



attention of this Court to the revenue records to substantiate the stand taken by the third respondent. It was further submitted that Survey No.528/1B (new survey No.920/18) does not belong to the Panchayat and no attempt is being made to put up any drainage channel in this property.

6. Learned counsel appearing on behalf of respondents 4 and 5 reiterated the same stand and submitted that the Panchayat is not attempting to put up any drainage channel in the property belonging to the petitioner.

7. The specific stand taken by the respondents is that there was an existing drainage channel in Survey No.528/1A (part) which after subdivision carries a new survey number, viz., S.No.920/10. Insofar as the Survey No.528/1B is concerned, the Panchayat is not even claiming any right. On carefully going through the patta that has been issued in favour of the petitioner with reference to the property in Survey No.528/1A(part) is concerned, it is seen that the new survey number is Survey No.920/9. Therefore, the petitioner and the panchayat are talking about two different properties situated in new Survey Nos.920/9 and



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8. In order to resolve this dispute, it will be more appropriate if the third respondent, *viz.*, Tahsildar conducts a survey and demarcates the portion belonging to the petitioner. Once this process is completed, there will be more clarity and it will be easy for the panchayat to construct the drainage channel. By undertaking this process, it can also be ascertained as to whether any construction has been made in the property belonging to the petitioner in new Survey No.920/9.

9. In the light of the above discussion, there shall be a direction to the third respondent to conduct a survey and demarcate the property of the petitioner in new Survey No.920/9 (old survey No.528/1A (part)). On completion of the demarcation, the construction can be carried out by the panchayat in new Survey No.920/10. If any construction has been made in new Survey No.920/9, the same shall be removed. This process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. Till then, the present *status quo* shall be maintained.

N.ANAND VENKATESH, J



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In the result, this writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

Note: Issue order copy on 24.04.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

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To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Sub-Collector,
Hosur, Krishnagiri District.
- 3.The Tahsildar,
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