



W.P.No.24927 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.24927 of 2016

R.Paranthaman Achari

.. Petitioner

Vs.

- 1.The District Collector
Krishnagiri District, Krishnagiri
- 2.The Revenue Divisional Officer
Krishnagiri District, Krishnagiri
- 3.The Tahsildhar
Krishnagiri Talukm, Krishnagiri District
- 4.The Inspector of Police
Kaveripattinam Police Station
Krishnagiri District
- 5.Saradha
W/o.Ranjan, Jegathap Village and Post
Krishnagiri Taluk and District
- 6.Dhanalakshmi
W/o.Gopal, Jegathap Village and Post
Krishnagiri Taluk and District



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7.Madappan

S/oVenkatraman, Jegathap Village and Post

Krishnagiri Taluk and District

8.Lakshmi

W/o.Kaveri, Jegathap Village and Post

Krishnagiri Taluk and District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the respondents 1 to 4 to take appropriate action by removing the encroachments made by the respondents 5 to 8 and others in the land comprised in Survey No.28/5 situated at Jegathap Village, Krishnagiri Taluk and District, based on the petitioner's representation dated 09.03.2015 and the communication of second respondent to third respondent dated 09.07.2015 in O.Mu.No.2558/2015/G forthwith.

For Petitioner : Mr.C.Prabakaran

For RR 1 to 4 : Mr.J.Raveendran
Additional Advocate General
assisted by Mr.A.Selvendran
Special Government Pleader



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

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The relief sought in this writ petition is to issue a writ of mandamus, directing the respondents 1 to 4 to take appropriate action by removing the encroachments made by the respondents 5 to 8 and others in the land comprised in Survey No.28/5 situated at Jegathap Village, Krishnagiri Taluk and District, based on the petitioner's representation dated 09.03.2015 and also in the light of the communication of the second respondent to the third respondent in O.Mu.No.2558/2015/G dated 09.07.2015, forthwith.

2.The learned counsel for the petitioner submitted that the petitioner has already made representation in the year 2011 itself to the respondent authorities for removal of encroachment in the subject property by the private respondents. Finding no effective action on the said representation, the petitioner made another representation dated 09.03.2015 seeking removal of encroachment. Upon receipt of the same, the second respondent sent a communication dated 09.07.2015 to the third respondent directing him to conduct enquiry and send a report. However, nothing progressed. Therefore, this writ petition.



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3.On the other hand, the learned Additional Advocate General appearing for the respondents 1 to 4 fairly submitted that the respondent authorities would consider the representation of the petitioner and pass orders, on merits, within a time frame to be stipulated by this court.

4.In view of the above, this court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's representation dated 09.03.2015, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.

5.With the above directions, this writ petition stands disposed of. No costs.

[R.M.D., J.] [M.S.Q., J.]
23.01.2023

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No



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AND
MOHAMMED SHAFFIQ, J.

nsd

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