



WEB COPY



W.P.No.14751 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.14571 of 2023
and W.M.P.No.14284 of 2023

K.Prasannamoorthy

.. Petitioner

Versus

1.The District Collector
Krishnagiri District
Krishnagiri

2.The Tahsildar
Uthangarai Taluk
Krishnagiri District

3.The Divisional Engineer
National Highways – NHAI
Thulasingham Pillai Street
Sankarapalayam
Alagapuram
Vellore – 632 001

4.The Superintendent of Police
Krishnagiri
Krishnagiri District

5.The Inspector of Police
Uthangarai Police Station
Krishnagiri District

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6.Senthil
7.Kandiappan
8.Viswanathan
9.Ravi
10.Annamalai
11.Thiruppathi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the flagpole illegally erected by the respondents 6 to 11 in the road margin of Vaniyambadi-Salem National Highways which is in front of my patta lands in S.F.No.59/2A, Appinaickenpatti Village, Uthangarai Taluk, Krishnagiri District by considering my representation dated 06.04.2023.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Manoharan for R1 to R5
Additional Government Pleader

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents 1 to 5 to remove the flagpole illegally erected by the respondents 6 to 11 in the road margin of Vaniyambadi-Salem National Highways which is in front of the petitioner's patta lands in S.F.No.59/2A, Appinaickenpatti Village, Uthangarai Taluk, Krishnagiri District by considering the petitioner's representation dated 06.04.2023.

2. The case of the petitioner is that, the subject property belongs to



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the petitioner by virtue of a partition deed and patta is also obtained in his name. While so, the private respondents 1 to 6 without obtaining prior permission from the custodian of the Government's land has erected their party flagpole in front of the subject land by obstructing the petitioner's right of entry and enjoyment. Anxious, the petitioner sent representation to the official respondents to remove the illegally erected flagpole in front of the subject property i.e., on the Government's land, on 06.04.2023, which is pending without consideration till date. Hence, this petition.

3. Mr.N.Manoharan, learned counsel for the petitioner submitted that the private respondents without obtaining prior permission from the custodian of the Government's property has illegally erected their flagpole which is impermissible in law and the said illegally erected should be removed from the Government's land. Though very many grounds raised by the learned counsel for the petitioner, he submitted that it would suffice if this Court issues direction to the official respondents to conduct enquiry and pass orders for removal of the illegally erected flagpole in front of the petitioner's property.



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4. Heard both sides and perused the materials placed on record. Since no adverse orders is passed against the private respondents, notice to them is dispensed with.

5. Considering the facts and circumstances of this case, this Court without expressing any opinion on the merits of the case, directs the respondents 1 to 5 to conduct enquiry with the petitioner and the private respondents by considering the petitioner's representation dated 06.04.2023 and pass appropriate order(s) on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.06.2023

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Speaking Order : Yes/ No
Index : Yes/ No
Internet : Yes/No



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M.DHANDAPANI, J.

dhk

To

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