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W.P. No. 13264 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 13264 of 2020

&

W.M.P. No. 16390 of 2020

M. Jagadhish

..Petitioner

Vs.

1. The Secretary,
Revenue Department,
Govt. Of Tamil Nadu,
Fort St. George,
Chennai -9.
2. The Collector,
Krishnagiri District,
Krishnagiri.
3. The District Revenue Officer,
Collector Office, Krishnagiri.
4. The Project Director,
Panchayat Development,
Collector Office, Krishnagiri.



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5. The Revenue Divisional Officer,
Sub Collector Office, Hosur.
6. The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.
7. The Block Development Officer,
Panchayath Union Office,
Hosur.
8. The President,
Thummanapalli Panchayath,
Thummanapalli Post,
Hosur Taluk,
Krishnagiri District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 8 not to dispossess the petitioner from the land measuring 0.17.0 hectares of Assessed Waste Dry Land comprised in Sy. No.97, situated at Mugalapalli Village, Thummanapalli Tharaff of Hosur Taluk, Krishnagiri District, without due process of law.

For Petitioner :: Mr.P.T.Perumal

For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for
R1 to R8

O R D E R



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state that some of the officials of the 7th respondent visited the property and the petitioner was informed that a scheme was going to be implemented in the said property, pursuant to which, an attempt was made to remove the standing crops. Apprehending dispossession, the petitioner submitted a representation requesting not to dispossess him without due process of law. As it did not evoke any response, the present writ petition has been filed.

3. The 6th respondent/Tahsildar, Hosur, Krishnagiri, has filed counter affidavit stating the land in Survey No. 97 measuring 0.17.0 hectares of Mugalapallai Village, in Hosur Taluk has been classified as "Anatheenam" (Assessed Waste dry) in the Government/Revenue Records. The land belongs to the State Government and it is not the patta land of the petitioner. The petitioner has encroached upon the said land thereby preventing the implementation of proposed welfare scheme of Central Government. The 6th respondent would further assure that the petitioner would be evicted only after following due process of law.

4. Heard both sides.



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5. Admittedly, the petitioner has been issued with "B" memo acknowledging the encroachment. Issuance of "B" memo will not bestow any title upon the petitioner vis-a-vis the property in question. As a matter of fact, the subject property belongs to the Government and no one can be permitted to encroach upon Government's property. Therefore, we are of the view that the encroachment will have to be removed.

6. Accordingly, the official respondents concerned are directed to remove the encroachment in the subject land, after affording an opportunity of hearing to the petitioner. In case, there are standing crops, steps shall be taken to remove the encroachment after the harvest is done. The officials concerned shall be given police protection to carry out the removal of encroachment. In case, the encroachment is not removed, appropriate action shall be taken against the officials *in the light of the order dated 30.08.2023 passed by the Madurai Bench of Madras High Court in W.P.(MD) No. 16120 of 2023 by S.Vaidyanathan,J. & D. Bharatha Chakravarthy,J..* The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.



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nv



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

11.12.2023

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Krishnagiri District.
7. The Block Development Officer,
Panchayath Union Office,
Hosur.
8. The President,

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Thummanapalli Panchayath,
Thummanapalli Post,
Hosur Taluk,
Krishnagiri District.



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S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.



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