



W.P. No. 13269 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. 13269 of 2020

&

W.M.P. No. 16393 of 2020

Jagga Reddy

..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.

9. K. Madhu Mohan Reddy
(9th respondent impleaded as per
order of Court dated 11.12.2023 in
W.M.P. No.23522 of 2020 in
W.P. No. 13269 of 2020 by SVNJ
& KRSJ)

..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 0.41.5 hectares of
Assessed Waste Dry Land comprised in Sy. No.102, situated at Mugalapalli
Village, Thummanapalli Tharaff of Hosur Taluk, Krishnagiri District,



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without due process of law.

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For Petitioner :: Mr.P.T.Perumal
For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for
R1 to R8
Mr.E. Kannadasan for R9

O R D E R

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

The present writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 8 not to dispossess the petitioner from the land measuring 0.41.5 hectares of Assessed Waste Dry Land comprised in Sy. No.102, situated at Mugalapalli Village, Thummanapalli Tharaff of Hosur Taluk, Krishnagiri District, without due process of law.

2. The petitioner, an agriculturist, who is a resident of Perumalpalli Village, Thummanapalli Post, Hosur Taluk is in possession of the Assessed Waste Dry Land measuring about 0.41.5 hectares in Survey No.102 at Mugalapalli Village, Thummanapalli Tharaff of Hosur Taluk. According to the petitioner, though originally the patta land was enjoyed by



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the petitioner's ancestors, by mistake, an erroneous entry was made against this land as "Anadeenam" by the Revenue Officers. The petitioner submitted a representation to rectify the mistake. Thereafter, as a temporary measure, "B" memo was issued in the name of petitioner's elder brother and the petitioner has been paying "B" memo charges regularly. The petitioner has been utilising the land for growing dry crops. While so, the petitioner would 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. 102 measuring 0.41.5 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



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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. The case of the impleaded 9th respondent is that he is a resident of Perumalpalli Village and having landed property of about 0.41.5 hectares in Survey No.1/2 situated at Koladhasapuram, which was allotted to him by way of partition deed dated 09.12.2007. He would further state that half of the lands in Survey No.102 is in his possession and that he is paying kist to the Government.

5. Heard both sides.

6. 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.



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6. Accordingly, the official respondents are directed to remove the encroachment in the subject land, after affording an opportunity of hearing to the petitioner as well as to the impleaded 9th respondent, who claims to be occupying half of the subject land. In case, there are standing crops, steps shall be taken to remove the encroachment after the harvest is done. The officials 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.

nv

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

11.12.2023

3/3

1. The Secretary,
Revenue Department,
Govt. Of Tamil Nadu,
Fort St. George,
Chennai -9.

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2. The Collector,
Krishnagiri District,
Krishnagiri.
3. The District Revenue Officer,
Collector Office, Krishnagiri.
4. The Project Director,
Panchayat Development,
Collector Office,
Krishnagiri.
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,
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8. The President,
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