



WP No. 14882 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE P.B. BALAJI

Writ Petition No. 14882 of 2018

M. Nanja Reddy

.. Petitioner

Versus

1. The District Collector
District Collector Office
Krishnagiri
Krishnagiri District
2. The Sub-Collector
Sub-Collector Office
Hosur, Krishnagiri District
3. The Tahsildar
Taluk Office
Hosur, Krishnagiri District
4. The Block Development Officer
Hosur Taluk
Krishnagiri District
5. The Member Secretary
Hosur New Town Development Authority (HNTDA)
Nethaji Road, Anna Nagar
Hosur - 635 109
Krishnagiri District

6. Mrs. Indrani @ Indra

7. Mr. B. Ravi

<https://www.mhc.trijug.org/jud>



WP No. 14882 of 2018

8. Mrs. Selvapriya

9. Mr. E. Sugan

.. Respondents

WEB COPY

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachments and illegal constructions made by respondents 6 to 9 in 23 feet public road comprised in Survey Nos. 888/8, 9, 3B1B and Survey No. 888/12 of Nallur Village, Krishnagiri District which is shown as Public Road in the approved layout plan vide Approval No. LP/R (V.D.) No. 50/82 issued by the Assistant Director of Town and Country Planning, Vellore on the basis of petitioner's representation dated 04.05.2018 within the time to be stipulated by this Court.

For Petitioner : Mr. R. Bharath Kumar

For Respondents : Mr. A. Selvendran
Special Government Pleader for RR1 to 3

Mr. Murali
Government Advocate for R4

ORDER

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

The Petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachments and illegal constructions made by respondents 6 to 9 in 23 feet public road comprised in Survey Nos. 888/8, 9, 3B1B and Survey No. 888/12 of Nallur Village, Krishnagiri District, which is shown as Public Road, in the approved



WP No. 14882 of 2018

layout plan vide Approval No. LP/R (V.D.) No. 50/82 issued by the Assistant Director of Town and Country Planning, Vellore, on the basis of the petitioner's representation dated 04.05.2018 within the time to be stipulated by this Court.

2. In the affidavit filed in support of the writ petition, it is stated by the petitioner that larger extent of land comprised in Survey No. 888 situated in Nallur Village, Hosur Taluk, Krishnagiri District originally belong to (i) Mr. Balappa (ii) Mr. Arunachalam (iii) Mr. Ravi, Son of Balappa and (iv) Mr. Balakrishna, Son of Balappa and they have jointly developed the said land into house site and also obtained layout approval from the Directorate of Town and Country Planning in the year 1982. The petitioner has purchased one of the plots bearing Plot No. 78 from his vendor Mr. Boopathy through a registered sale deed dated 21.11.2005 registered as document No. 10867 of 2005 on the file of Sub-Registrar, Hosur in the aforesaid layout. Similarly, the 8th and 9th respondents herein have also purchased Plot No.74 in the same approved layout. However, while constructing their houses, it is alleged by the petitioner that the eighth and ninth respondents have encroached the 23 feet public road by 8 to 12 feet, as a result of which, the width of the road has been reduced. According to the petitioner, the 8th and 9th respondents, in collusion



WP No. 14882 of 2018

with the respondents 6 and 7, who are the legal heirs of the original promoter of the layout, have encroached the public road, for which they have no right.

In this context, the petitioner submitted a representation dated 04.05.2018 to the respondents 1 to 4 requesting them to remove the encroachments made by the respondents 6 to 9 and to demolish the illegal construction put up by them in the 23 feet public road. As the representation dated 04.05.2018 did not receive the attention it deserves, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner reiterated the averments made in the affidavit filed in support of the writ petition and submitted that the respondents 6 to 9 have encroached the public road and put up construction illegally. In this context, the petitioner submitted the representation dated 04.05.2018 but it did not yield the desired result. Therefore, the learned counsel for the petitioner prays for issuing appropriate direction to the fourth respondent to conduct an enquiry and to proceed further in accordance with law.

4. On the above contention of the learned counsel for the petitioner, we have heard the learned Special Government Pleader appearing for the



WP No. 14882 of 2018

respondents 1 to 3 as well as the learned Standing counsel for the fourth respondent and perused the materials placed.

5. Taking note of the nature of relief sought for in this writ petition, without expressing any opinion on merits, we direct the third respondent herein to consider the representation dated 04.05.2018 of the petitioner, conduct an enquiry, afford opportunity of hearing to the petitioner as well as the respondents 6 to 9 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

(R.M.D., J) (P.B.B., J)

07.02.2023

ay/rsh

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

Copy to

1. The District Collector
District Collector Office
Krishnagiri
Krishnagiri District



WP No. 14882 of 2018

2. The Sub-Collector
Sub-Collector Office
Hosur, Krishnagiri District
3. The Tahsildar
Taluk Office
Hosur, Krishnagiri District
4. The Block Development Officer
Hosur Taluk
Krishnagiri District
5. The Member Secretary
Hosur New Town Development Authority (HNTDA)
Nethaji Road, Anna Nagar
Hosur - 635 109
Krishnagiri District



WEB COPY



WP No. 14882 of 2018

R. MAHADEVAN, J
and
P.B. BALAJI, J

ay/rsh

WP No. 14882 of 2018

07.02.2023