



W.P.No.25540 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.25540 of 2021

N.Chandrasekar

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Revenue Department
Secretariat, Chennai 09.

2. The District Collector
Krishnagiri District.

3. The Revenue Divisional Officer
Krishnagiri District.

4. The Tahsildar (Revenue)
Hosur Taluk.

5. The Block Development Officer
Hosur Taluk, Krishnagiri District.

6. The Village Administrative Officer
Alur Village, Hosur Taluk
Krishnagiri District.

7. Srinivasan

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 6 herein to remove the illegal occupation made by the 7th respondent herein in respect of the property situated at Krishnagiri District, Hosur Taluk, Alur Village, in Survey Nos.714(1A) to an extent of 0.73.5 Ares, 714(1B) to an extent of 05.5 Ares, 714(1C) to an extent of 01 Ares, 714(2A) to an extent of 1.82 Ares, 714(2B) to an extent of 09.0 Ares and in Survey Nos.786, 792, 793, 796, 798, 799, 800, 801 and 809 to an extents of 11.30.0 Ares on the basis of representation dated 03.09.2021 sent by the petitioner herein.

For the Petitioner : Mr.B.Ramar

For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for Respondents 1 to 6

Mr.V.Sanjeevi
for Respondent-7

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Ramar, learned counsel for the petitioner, Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents 1 to 6 and Mr.V.Sanjeevi, learned counsel for the seventh respondent.

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2. Learned counsel for the petitioner submits that the seventh respondent is running a illegal crusher unit in S.No.714/1A. The said property is a government poramboke land. So also, S.Nos.714/1B, 714/1C, 714/2A, 714/2B, 786, 792, 793, 796, 798, 799, 800, 801 and 809. In S.No.806 also, no permission is obtained from the Environment Department.

3. Counters have been filed by the second respondent and seventh respondent. As far as S.No.809 (Part 1) and (Part 2) is concerned, lease has expired in 2019 and thereafter, partly water is stagnated in the said land. However, in respect of S.No.809 (Part 3), lease is granted in favour of the seventh respondent and the said lease is in operation till 2029. Environment clearance is granted on 27.08.2018. The same is stated in the affidavit filed by the second respondent. As far as the other lands are concerned, the second respondent admits that the same are patta lands of the seventh respondent.



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4. It appears that the present writ petition is misconceived and does not espouse the public cause, inasmuch as the seventh respondent is holding S.No.809 (Part 3) under lease and other lands are his patta lands. The affidavit of the second respondent also suggests that there is no encroachment made for carrying out the crushing business. However, the affidavit of the second respondent states that there is some violation on the part of the seventh respondent and for that, action would be taken against the seventh respondent.

5. In the light of the above, the writ petition is dismissed. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

11.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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