



WEB COPY



W.P.No.24408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.24408 of 2022

A.Nagaraj

.. Petitioner

Versus

1.The Collector,
Krishnagiri,
Krishnagiri District.

2.The Municipal Commissioner,
Hosur Municipality,
Hosur, Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 12.07.2021 within a time frame and remove the road laid down illegally in petitioner's patta land.

For Petitioner : Mr.S.Sarathkumar
for Mr.R.Srinivasalu

For Respondents
For R1 : Mr.N.Naveenkumar
Government Advocate

For R2 : Mr.T.Balaji



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ORDER

The writ petition has been filed to direct the 2nd respondent to consider the petitioner's representation dated 12.07.2021 within a time frame and remove the road laid down illegally in petitioner's patta land.

2. The main grievance of the petitioner is that the petitioner is the owner of the land of 5 cents situated in Survey No.742/1, Midugarapalli Village, Mathigiri, Hosur Taluk, Krishnagiri District. The respondents, without any due process of law, have encroached the same and laid road, despite the fact that the Government land is very much in existence to the adjacent lands of the petitioner. The report has been filed by the respondents admitting that thar has been laid on the existing old road and they have also admitted the title of the petitioner in the said area about an extent of 5 cents.

3. The learned Government Advocate appearing for the Corporation as well as the State not disputed the existence of the revenue land very next to the petitioner's land and submitted that if the Court directs, they will re-align the road and leave the petitioner's property.



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4. In such view of the matter, since it is not disputed that there is revenue land very near to the present existing road which has been used by the Corporation and without any due process of law, the respondents had laid the road, the respondents are directed to re-align and lay the road through the revenue land adjacent to the petitioner's land and hand over the petitioner's property to the petitioner. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

03.02.2023
(1/2)

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Index : Yes / No

Speaking Order : Yes / No

N.SATHISH KUMAR, J.

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