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W.P.No.29049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.29049 of 2023

M.Rajesh

... Petitioner

Vs

1. The District Collector
Krishnagiri District,
Krishnagiri.
2. The Tahsildar,
Hosur Taluk,
Krishnagiri District.
3. Indhirani
4. Vijayalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2, particularly the 2nd respondent to take necessary action as against the respondents 3 and 4 for breaking the seal, sealed by the 2nd respondent and again illegally running the subject Mansion, situated at No.14/77 F, Muthappa Building, (Ragavendra Building), Anna Nagar, Hosur & Taluk, Krishnagiri District on the basis of the petitioner's representation dated 19.07.2023.



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For Petitioner : Mr.R.Thanjan

For Respondents : Mr.J.C.Durairaj (R1 and R2)
Additional Government Pleader

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ORDER

Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for R1 and R2 and is armed with instructions to enable final disposal of this matter, even at the stage of admission. No notice is thought necessary to private respondents, R3 and R4, in light of the order that is proposed to be passed now.

2. The petitioner seeks a mandamus as against the first and second respondents, being the District Collector, Krishnagiri District and Tahsildar, Hosur Taluk, Krishnagiri District respectively, for taking action as against private respondents, R3 and R4, for breaking the seal that has been put up by the second respondent on a Mansion, situated at No.14/77 F, Muthappa Building (Raghavendra building), Anna Nagar, Hosur and Taluk, Krishnagiri District ('property/property in question'). He has also made a representation dated 19.07.2023 in this regard.

3. The averments in the Writ Petition are highly factual and briefly, the petitioner would aver that he has a share in the property in question and that there is a suit in O.S.No.139 of 2015 which is pending on the file of



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Subordinate Judge, Hosur seeking partition and equal share along with mesne profits, permanent injunction and other reliefs in respect of the same property.

4. Since the matter involves ascertainment of several facts as well as the veracity of such facts, it would be best for the authority to look into the representation, hear all necessary parties and thereafter take a decision on the request in the representation.

5. Hence, a direction is issued to R2 to hear the petitioner, private respondents, R3 and R4 as well as any other parties whom he may deem necessary after issuing notice to them forthwith and decide the request in the representation in accordance with law, within a period of eight (8) weeks from date of first hearing.

6. This Writ Petition is disposed as above. No costs.

09.10.2023

Index : Yes / No

Speaking order

Neutral Citation: Yes

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To

1. The District Collector
Krishnagiri District, Krishnagiri.
2. The Tahsildar,
Hosur Taluk, Krishnagiri District.



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Dr.ANITA SUMANTH, J.

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