



W.P.No.2807 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2807 of 2021

Vasu

.. Petitioner

Vs.

1. The Secretary to Government to Tamil Nadu
Municipal Administration and Water Supply Department
Chennai.

2. The District Collector
Krishnagiri.

3. The Commissioner
Hosur Corporation
Hosur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 3rd respondent to remove the rad laid by him in the part of the petitioner's plot No.15 comprised in S.F.No.698/2p, Amman Nagar, Mathigiri Village, Hosur and consequently direct the 3rd respondent to handover the vacant possession of the said place to the petitioner within a specific time



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frame as fixed by this Hon'ble Court by considering the petitioner's representation dated 19.01.2021.

For the Petitioner : Mr.M.Arun Kumar
For M/s. Sampath Kumar
Associates

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.T.K.Saravanan
Government Advocate
for Respondents 1 and 2

Mr.T.Balaji
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Arun Kumar, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 and 2 and Mr.T.Balaji, learned counsel for the third respondent.

2. Learned counsel for the petitioner alleged encroachment on his land by the third respondent by laying down the road.



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3. Paragraph 3 of the counter affidavit filed by the third respondent reads thus:

"I submit that admittedly that there is a road on the northern side of the petitioner's plot. I state that this respondent received a representation dated 05.01.2021 of the son of the petitioner herein. Considering the representation this respondent directed the Surveyor to measure the Plot No.15. The Surveyor after measured reported that in plot no.15 out of 1224 sq.ft. 220 sq.ft. extent road laid. I submit that this respondent already informed the son Murugesan of the petitioner to take possession of the extent of 220 sq.ft. when he visited this respondent's office in person on 05.01.2021 and asked him to fence around his boundary of the plot no.15. The petitioner's son agreed to take possession and fence it around Plot No.15. I submit that now his father approached for the same relief which already agreed by the son of the petitioner."

4. The third respondent has admitted that road is laid to an extent of 220 sq.ft. in the petitioner's land and has also stated that the petitioner may take possession of the same. The same is also informed



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to the petitioner's son. He has agreed to take possession. Now, the petitioner is seeking the same relief.

5. The petitioner may properly fence his property and the third respondent shall not object to the same.

6. The writ petition is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

08.02.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government to Tamil Nadu
Municipal Administration and Water Supply Department
Chennai.
2. The District Collector, Krishnagiri.
3. The Commissioner
Hosur Corporation, Hosur.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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