



W.P.No.7826 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.7826 of 2019

R.Subramaniam

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.

2. The Asst Executive Engineer,
Tamilnadu Housing Board,
Pagalur Road,
Hosur 635 109,
Krishnagiri District.

3. The Commissioner,
Hosur Municipality,
Hosur 635 109,
Krishnagiri District.

4. The Tahsildar,
Taluk Office,
Hosur-635 109.

5. Mrs.Nirmala

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to demolish and pull down the illegal construction put up in New ASTC Hudco S.F. No. 291 (Old 325P), the Government Pattai Land, encroaching to an extent of 800 sq.feet at Plot No. 290-A, ASTC Hudco, Avvai Nagar, Hosur-635 109, Krishnagiri District by the encroacher the 5th respondent.

For Petitioner : Mr.J.Kamaraj

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 & R4);

No Appearance (for R2);

Mr.M.Raja Mathivanan,
Senior Counsel (for R3);

Mr.V.Elangovan (for R5).

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The relief sought for in the present writ petition is to direct the respondents to demolish and pull down the illegal construction put up in New ASTC Hudco S.F. No. 291 (Old 325P), the Government Pattai Land, encroaching to an extent of 800 sq.feet at Plot No. 290-A, ASTC Hudco,



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Avvai Nagar, Hosur-635 109, Krishnagiri District by the encroacher the
5th respondent.

2. With reference to the relief, the counter filed by the Tahsildar Hosur reveals that encroachments are identified in respect of Government Poramboke lands. The subject Government land is under the control of the 3rd respondent Hosur Municipality.

3. Encroachments are not disputed. Therefore, the authorities are bound to remove encroachments. As far as the claim of the 5th respondent is concerned, that she is a homeless poor person, the Tahsildar may consider her case for assignment for land under any Government welfare scheme, if she is otherwise eligible as per the terms and conditions stipulated in the Government orders. However, encroachments in municipal area are impermissible.

4. In view of the facts and circumstances, the respondents 1 to 4 are directed to remove all the encroachments in the subject property which is under control of the Hosur Municipality within a period of 12 weeks from the date of receipt of a copy of this order.



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5. With these directions, the writ petition stands disposed off.

However, there shall be no order as to costs.

(S.M.S.J.,)

(K.R.S.J.,)

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Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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