



W.P.No.9456 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.9456 of 2021
and
W.M.P. No.10045 of 2021 in W.P. No.9456 of 2021

G.Selvamani

... Petitioner

VS

- 1.The Tahsildar,
Krishnagiri, Krishnagiri District.
- 2.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
- 3.The District Collector,
Collectorate Office, Krishnagiri,
Krishnagiri District.
- 4.Krishnagiri District Town and Country
Planning Authority,
No.25-2, Nethaji Road,
Hosur – 635 109.
- 5.The Sub Registrar, Joint II,
No.1, Thiruvannamalai Road,
New Pet, Krishnagiri,
Krishnagiri District.

6.Govendhan @ K.Govindhasamy

... Respondents

Page Nos.1/8



WP.No.9456 of 2021

WEB COPY

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made in Survey No.26/2, Ibrahim Colony, No.119, Kattikanapalli Village, Krishnagiri, Krishnagiri District and to sub-divide and issue of separate patta for the land (housing site) measuring to an extent of 1400 sq. ft. comprised in Survey No.26/2, Ibrahim Colony, No.119, Kattikanapalli Village, Krishnagiri, Krishnagiri District, by considering the petitioner's representation dated 05.02.2021 within a time frame as stipulated by this Court.

For Petitioner : Mr.Jerry V.V.Sundar
for Mr.J.Ramesh

For Respondents : Mr.V.Ravi,
Special Government Pleader
for R1 to R5
Ms.M.P.Bharathi
for Mr.Ezhilarasan for R6

ORDER

[Order of the Court was made by **K.RAJASEKAR, J.,**]

This writ petition has been filed for the issuance of a writ of mandamus to direct respondents 1 to 3 to remove the encroachment made in Survey No.26/2, Ibrahim Colony, No.119, Kattikanapalli Village, Krishnagiri, Krishnagiri District and to sub-divide and issue of



WP.No.9456 of 2021

separate patta for the land (housing site) measuring to an extent of 1400 sq. ft. comprised in Survey No.26/2, Ibrahim Colony, No.119, Kattikanapalli Village, Krishnagiri, Krishnagiri District, by considering the petitioner's representation dated 05.02.2021.

2. The case of the petitioner is that he purchased 1400 sq. ft of land in Survey No.26/2, Ibrahim Colony, No.119, Kattikanapalli Village, Krishnagiri, Krishnagiri District through a sale deed dated 03.02.1999 from one K.Ibrahim. This land was purchased with specific boundaries and the joint patta was also issued in the name of the petitioner along with other persons. In the meantime, R6 (private respondent) with political background purchased the major portion of the land in the above survey number, encroached the entire area and preventing the petitioner from entering into the property thereby he had come forward with this writ petition.

3. Learned counsel for the petitioner submitted that there is a road which was ear marked in the property and those areas were also encroached by R6.

4. This Court by order dated 19.04.2021 directed the first



WP.No.9456 of 2021

respondent to inspect the subject property after giving notice to the petitioner and file a report regarding any encroachment in the property. Pursuant to the orders of this Court, the first respondent/Tahsildar conducted the inspection and filed a report.

5. The first respondent has filed a counter affidavit dated 18.07.2024, wherein it is stated as follows:

'4. It is submitted that the land Survey Number 26/2 measuring 0.37.36 Hectare of Kattikanapalli village at present stands registered in the name of Petitioner Thirumathi.G.Selvamani and 6th respondent Govindan (a) Govindasamy and 5 others in the Revenue/Government records. It is a joint patta (Patta Number – 31).

5. It is submitted that the petitioner has purchased 1400 sq feet of land in the S.No.26/2 of Kattikanapalli village in the year 1999 vide Doc. No.91/1999 dated: and the petitioner has not at all occupied and taken possession of the said land. Further it is submitted that the adjacent lands near the petitioner's land are under the possession and enjoyment of the 6th respondent.

6. It is submitted that the 6th respondent objects to transfer the subject matter land in favour of the petitioner. The 6th respondent claims right over the



WP.No.9456 of 2021

petitioner's land.'

WEB COPY

6. Admittedly, the land in Survey No.26/2 admeasuring 0.37.32 hectares is registered in the name of the petitioner, R6 and five others in the revenue records and joint patta was issued (Patta No.31). It is also admitted that this property was divided into various parts and sold as housing plots in the name of Ibrahim Colony. However, approval of competent authority for converting the land into housing plots was not obtained. Since approval has not been obtained, by purchasing the remaining area in the said land, R6 has taken possession of the entire area including the petitioner's land.

7. Learned counsel for R6 submits that R6 is in possession of the property and the vendor of the petitioner has no right to divide the property and sell the same in favour of the petitioner herein and he has proposed to initiate separate proceedings before the civil Court challenging the sale deed.

8. Learned Special Government Pleader for official respondents submits that the land in Survey No.26/2 has been sold to various persons by converting it into housing plots whereas there is no



WP.No.9456 of 2021

approved lay out earmarking the specific portion of the properties sold to various persons.

9. Since the petitioner has purchased the undivided area in the unapproved portion of the land and the fact that R6 is claiming title over the disputed property, we are of the view that the matter could be resolved by approaching civil forum by initiating appropriate legal proceedings.

10. Preserving the rights and contentions of all the parties concerned, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
12.11.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Tahsildar,
Krishnagiri, Krishnagiri District.
- 2.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

Page Nos.6/8



WP.No.9456 of 2021

WEB COPY

3.The District Collector,
Collectorate Office, Krishnagiri,
Krishnagiri District.

4.Krishnagiri District Town and Country
Planning Authority,
No.25-2, Nethaji Road,
Hosur – 635 109.

5.The Sub Registrar, Joint II,
No.1, Thiruvannamalai Road,
New Pet, Krishnagiri,
Krishnagiri District.

**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

mmi



WEB COPY



WP.No.9456 of 2021

W.P.No.9456 of 2021

12.11.2024

Page Nos.8/8