



W.P.No.13205 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13205 of 2024

and

W.M.P.No.14355 of 2024

M/s.Agri Hills Constructions India (P) Ltd.,
Rep. by its Director,
G.Ramachandrappa
A41, SIPCOT Housing Colony,
Hosur Town,
Krishnagiri District.

.... Petitioner

Vs

1.The District Collector,
Krishnagiri.

2.The Commissioner,
Hosur Corporation,
Hosur, Krishnagiri District.

3.The Executive Engineer,
Hosur Municipal Corporation,
Hosur.

4.The Assistant Executive Engineer,
Hosur Municipal Corporation,
Hosur.

5.The Thasildar,
Hosur.

6.SM.Rajesh Babu



W.P.No.13205 of 2024

7.Hemalatha
8.Thirunavukharasu
9.Thilak Yadav
10.Dinesh Singh
11.Mani
12.Ponnuraj
13.Kalithasan
14.Ramachandran
15.Vincent Arokiya Dass
16.Noortaj
17.Sivakami
18.Pappammal
19.J.Naushad
20.Mansor

(R6 to R20 impleaded as per order
dated 05.09.2024 made in W.M.P.No
26826 of 2024 in W.P.No.13205 of 2024)

.... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to remove the road laid on the petitioner's property situated at survey number 348/1A at Avalapalli Village, Hosur Taluk, Krishnagiri District, as pathway.

For Petitioner : Mr.G.Murugesk Kumar

For R1 & R5 : Mr.V.Manoharan
Special Government Pleader

For R2 to R4 : Mr.T.Balaji
Standing Counsel

For R6 to R20 : Mr.M.Mohamed Afridi

ORDER



W.P.No.13205 of 2024

This Writ Petition has been filed for a direction, directing the respondents to remove the road laid on the petitioner's property comprised in survey No.348/1A situated at Avalapalli Village, Hosur Taluk, Krishnagiri District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that the petitioner is the absolute owner of the property comprised in Survey No.348/1A situated at Avalapalli Village, Hosur Taluk, Krishnagiri District. The petitioner, being the director of the petitioner Company, purchased the said property from M/s.Agri Hills Farm Estates India Private Limited. The petitioner was also issued patta in Patta No.2229. In the meantime, the layout was formed in the adjacent property and in order to facilitate the pathway to the adjacent property, the officials of the respondents herein initiated the proceedings to lay the road on the property belongs to the petitioner. Though the petitioner lodged a complaint and issued legal notice, without considering the same, the respondents laid a road in the petitioner's property.



W.P.No.13205 of 2024

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4. A perusal of the counter filed by the second respondent and the submissions of the learned Standing Counsel reveals that the subject property was used as road by the residents of the said area. The subject property is a vacant land and it is in existence for public use for more than 15 years. The impleaded respondents are residents of the Rose Valley layout. The petitioner and others had developed the said layout by purchasing the property comprised in Survey Nos.389/2 and 349/2B admeasuring 2.81 acres including the property comprised in Survey No.348/1 admeasuring 5630 sq.ft. The property comprised in Survey No.348/1A was shown as the road to facilitate access to the Rose Valley layout, while applying for the layout approval.

5. Initially, the said layout was not approved and subsequently, the house plots were sold out to various parties including the impleaded parties. Only in the year 2011, the house plots were regularised. Taking development of the same, the petitioner purchased and created a sale deed in the name of the petitioner. It is also seen that the Company name is M/s.Agri Hills Constructions India (P) Ltd of the petitioner. The petitioner purchased the said property from M/s.Agri



W.P.No.13205 of 2024

Hills Farm Estate India Private Limited. It shows that both are sister concern and in order to create separate sale deed in respect of the subject property, it was registered in the name of the petitioner Company. Further, after purchasing the property, the petitioner obtained patta.

6. Pending writ petition, this Court appointed an Advocate Commissioner to inspect the subject property to find out whether the road was in existence at the time of purchase of the land by the petitioner or whether the road was laid on the patta land. Accordingly, the Advocate Commissioner inspected the subject property with the help of surveyor and found that the property comprised in Survey No.348/1A situated at Avalapalli Village, is a private property. It is located on the northern side of the Rose Valley layout. The petitioner was also issued patta. In the patta land, the road has been laid by the respondents. Further, it is revealed that the gift deed executed by the developer does not contain the subject property comprised in Survey No.348/1A. It is true that after the purchase of the property, the petitioner obtained patta for the said land.

7. A perusal of the layout reveals that the subject property



W.P.No.13205 of 2024

was shown as road. It is only a way to access the Rose Valley layout.

Thereafter, before development of the said layout, the petitioner created sale deed in his favour in respect of the subject property and obtained patta. That apart, except the said road, there is no other access to Rose Valley layout. That apart, it is also evident that in the sale deed which were executed in favour of the impleaded respondents, the petitioner has also signed as witnesses. It shows that the petitioner and its vendor are the developers of the Rose Valley layout. Therefore, this Court finds no merits in this writ petition and it is liable to be dismissed.

8. In the result, this writ petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

05.09.2024

Internet: Yes

Index : Yes/No

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To

1.The District Collector,
Krishnagiri.

2.The Commissioner,
Hosur Corporation,



W.P.No.13205 of 2024

Hosur, Krishnagiri District.

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G.K.ILANTHIRAIYAN. J,

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W.P.No.13205 of 2024

W.P.No.13205 of 2024

05.09.2024