



WEB COPY



W.P.No.4497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.4497 of 2024 and

W.M.P.No.4857 of 2024

S.516, Bithireddy Primary Agricultural
Co-op. Credit Society Ltd.,
Rep. by its President,
Bithireddy Village, Pachappanatty Post,
Denkanikottai Taluk,
Krishnagiri District-635 113.

... Petitioner

-VS-

1. The District Collector,
Krishnagiri District.
2. The Sub Collector,
Hosur, Krishnagiri District.
3. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.
4. The Special Tahsildar,
Adi Dravida Welfare Department,
O/o.Tahsildar, Krishnagiri,
Krishnagiri District.

5. Muthuraj
6. Manju

... Respondents



W.P.No.42 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent nos. 1 to 3 to consider the representation dated 18.05.2023 made by the petitioner herein to take necessary action for removing the illegal basement construction raised by the 5th and 6th respondents in the petitioner's society lands at S.No.161/2A now subdivided into S.No.161/25, Bithireddy Village, Pachappanatty Post, Denkanikottai Taluk, Krishnagiri District in the land extent of 35 cents.

For Petitioner	:	Mr.T.Sundaravadanam
For R1 to R4	:	Mrs.V.Yamunadevi
		Special Govt. Pleader
For R5 & R6	:	Mr.D.Ashok Kumar

ORDER

(By D.Krishnakumar,J.)

This Writ Petition has been filed for a direction to the respondent nos. 1 to 3 to consider the representation dated 18.05.2023 made by the petitioner herein to take necessary action for removing the illegal basement construction raised by the 5th and 6th respondents in the petitioner's society lands at S.No.161/2A now subdivided into S.No.161/25, Bithireddy Village, Pachappanatty Post, Denkanikottai Taluk, Krishnagiri District in the land extent of 35 cents.

2. Learned counsel for the petitioner-Society submitted that the property in question belongs to the Society and a sale deed had been executed in favour of the



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petitioner way back in 1987. He further submitted that the Special Tahsildar has also passed an order, exempting the subject matter of the property from the purview of land acquisition proceedings and therefore, the respondent nos.5 and 6 are not entitled to deal with the property separately. Hence, the petitioner-Society is before this Court for a suitable direction.

3. Per contra, learned counsel for R5 and R6 contended that though there was no assignment of land in favour of R5 and R6, based on the oral instructions, they had raised buildings on the property in question.

4. Upon hearing the submissions on either side, it is noticed that there are disputed facts involved in this case and this Court cannot go into all those aspects in a writ jurisdiction. It is for the concerned Authority to verify the records and take a decision with regard to the ownership of the property.

5. At this juncture, learned counsel for the petitioner stated that the petitioner-Society had already sent a representation dated 18.05.2023 to various authorities, including R3 / Tahsildar herein and the same may be ordered to be looked into by the Tahsildar for taking action at the earliest.



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6. In view of the above submission, we direct the 3rd respondent / Tahsildar to examine the issue on hand by considering the representation dated 18.05.2023 of the petitioner, in consonance with the relevant revenue records and pass appropriate orders thereon, after providing an opportunity of hearing to the petitioner, R5, R6 and other interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that till a decision is taken by the Tahsildar, the respondent nos.5 & 6 shall not carry out any construction activities on the property in question. It is further made clear that still there is a continuation of dispute even thereafter, the remedy lies to the parties to approach the competent Civil Court for their redressal.

7. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[P.B.B.,J.,]

15.10.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

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