



WP No.22903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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P.Mani

... Petitioner

versus

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Tahsildar,
Hosur Taluk,
Hosur-635 109,
Krishnagiri District.

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

4.Mrs.Suriya
5.Mr.Babu

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 for their illegalities under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998 by removing obstructions in the public pathway/Road in S.No.589/3, situated at Mathigiri Village, Hosur Taluk, Krishnagiri District and consequently, direct the respondents 2 and 3 to ensure the usage of the pathway/Road by the petitioner in S.No.589/3 for this access and enter in to his property and pass orders.

For the Petitioner

:Mr.M.R.Jothimanian
for Mr.Ragul Kousik

For the Respondents

:Mr.A.Edwin Prabakar
State Government Pleader
Assisted by Mr.M.Habeeb Rahman
Government Advocate
for respondents 1 and 2
Mr.T.Balaji
Standing Counsel
for third respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed for a direction to the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 for their illegalities under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998 by removing obstructions in the public pathway/Road in S.No.589/3, situated at



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Mathigiri Village, Hosur Taluk, Krishnagiri District and consequently, direct the respondents 2 and 3 to ensure the usage of the pathway/Road by the petitioner in S.No.589/3 for this access and enter into his property.

2. A communication dated 14.08.2024 has been addressed by the Tahsildar, Hosur to the learned Government Pleader, wherein it is stated that land in S.No.589/3, situated at Mathigiri Village, Hosur Taluk, Krishnagiri District is classified as Arasu poromboke (Mesal tharai, grazing land). It is further stated in the said instructions that the fourth respondent has encroached upon 700 square feet of the subject land and constructed a compound wall, which according to the petitioner has blocked the ingress and egress of the petitioner's property. Hence, the Tahsildar seeks time to take action to remove the said encroachment. The said communication is taken on record.

3. In view of the above communication, the respondent Tahsildar is directed to take necessary action for removal of the said encroachment by following the procedures as contemplated under the Act, after providing



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opportunities to the parties concerned. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order

4. The writ petition stands disposed of with the above directions.

There shall be no order as to costs. Consequently, WMP No.24941 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
14.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To
1.The District Collector,

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Hosur-635 109,
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THE HON'BLE ACTING CHIEF JUSTICE
and



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P.B. BALAJI, J.

(mrn)

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