



W.P.No.25618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.25618 of 2024

K.Masood Ahmed

..

Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Fort St. George, Chennai 600 009.
2. The Principal Secretary
Revenue and Disaster Management Department
Fort St. George, Chennai 600 009.
3. The District Collector
Krishnagiri District
Krishnagiri.
4. The Chief Education Officer
Krishnagiri District.
5. The District Revenue Officer
Krishnagiri District.
6. The Revenue Divisional Officer



W.P.No.25618 of 2024

7. The Tahsildar
Pochampalli Taluk
Krishnagiri District.

8. The Senior Assistant Director (Municipality)
Krishnagiri.

9. Deputy Regional Development Officer
Panchayat Union
Mathur, Krishnagiri.

10. Executive Engineer
TANGEDCO
Pochampalli
Krishnagiri District.

11. Mathur Village Panchayat
Rep. by its Village Panchayat President
Meena Sakthi, Pochampalli Taluk
Krishnagiri District.

.. Respondents

[R11 impleaded vide order dated
03.10.2024 in WMP No.30789/24]

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 3rd respondent to remove the encroachment and illegal construction built in and around the Mathur Panchayat Union Primary School, Krishnagiri District.

For Petitioner : Mr.A.Samnath



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W.P.No.25618 of 2024

For Mr.P.Thinesh

For Respondents

: Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.M.Habeeb Rahman
Government Advocate
for Respondents 1 to 9

Mr.Rajavelayutham
For M/s.S.Doraisamy
for Respondent-11

Not ready in notice -
for Respondent - 10

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Counsel for petitioner is seeking time. We declined to grant any time.

2. Petitioner is alleging encroachment and illegal constructions in the area which falls under Mathur Panchayat, Krishnagiri District. According to petitioner, the encroached area belongs to the school



W.P.No.25618 of 2024

playground and part of the encroached area is other poramboke land (land without patta) situated around school campus. It is petitioner's case that the encroached shops were rented out to hotels, restaurant, tea shop, petty shop, etc.

3. An affidavit in reply of Smt. Sathiya, affirmed on 23.09.2024, is on record. The said Sathiya is the 7th respondent, i.e. Tahsildar.

Paragraphs 2, 3 and 4 of the affidavit read as under:

“2. It is submitted that the land S.No.200/2 measuring 0.23.5 hectare of Battrahalli Village in Pochampalli Taluk, of Krishnagiri District has been classified as “Play Ground” in the Govt/Revenue Records. A part of the Mathur Panchayat Union Primary School, is functioning in the said land. Further a part of the school is functioning in the S.No.200/1A1 of Battrahalli village. The land S.No.200/2 adjoins Mathur – Krishnagiri Highway and Thirupathur – Dharmapuri highway Road.

3. It is submitted that some 20 years back the Mathur Panchayat has constructed 23 shops, 2 Multipurpose Buildings, VAO Office, Panchayat Office, Primary Agriculture Godown in the land S.No.200/2 of Battrahalli village and rented the shops to the public. The said shops are Grocery shop, Tea Shop, Shoe Shop, Medical Shop, Mobile Shop, Fancy Shop, Juice Shop, Mutton Shop. The Block Development Officer Mathur and President Mathur Panchayat are leasing the shops to the public every year and rent / lease amount is remitted in the Panchayat accounts. The accounts of the shops are being maintained by the Panchayat President and the Block Development Officer Mathur.

4. It is submitted that the said shops are in existences



W.P.No.25618 of 2024

from the past about 20 years. The Petitioners after a lapse of 20 years now pressing the authorities to evict the shops in the land S.No.200/2 of Battarahalli village. The existence of the shops and other buildings are no way hindrance to the Mathur Panchayat Union Primary School. There is separate entry and gate for the movement of the school pupils to the play ground and the school. The petitioner due to some difference of opinion with the authorities has filed this petition in this Hon'ble Court.”

4. There is an affidavit filed by Meena Shakthi on behalf of 11th respondent i.e. Mathur Village Panchayat. Mathur Village Panchayat came to be added pursuant to an order dated 03.10.2024 in a miscellaneous petition that was filed by respondent No.11 to be impleaded as a party to the writ petition. Respondent No.11, in its affidavit in reply, has alleged that petitioner is having a mobile fruit stall by encroaching Tirupattur-Dharmapuri Highway Road, Mathur and the fruits stall in a highly objectionable place. It is also alleged that petitioner asked the Panchayat to provide two shops to him by illegal manner and when the Panchayat refused and informed the petitioner to participate in public auction and get an allotment, petitioner got infuriated and has filed this writ petition.

5. It is also alleged that petitioner, who claims to be a lawyer, ought



W.P.No.25618 of 2024

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to have done research before filing a public interest litigation inasmuch as there is no Senior Assistant Director (Municipality) and Deputy Regional Development Officer in the District who are added as respondents 8 and 9. It is also alleged that petitioner is not even a resident of the village, but is a resident of Papparapatti, Dharmapuri District and the address given in the cause-title is his wife's native place. It is also alleged that there are no encroachments and Panchayat has not allotted any shops illegally or without following due process.

6. Both the counter and status report referred above have been served upon petitioner. No rejoinder is filed till date. It is more than a month since the counter of respondent No.11 is served and almost two months over since the status report of respondent No.7 is served.

7. In the circumstances, in view of the averments contained in the two affidavits referred above, we dismiss the petition. There shall be no order as to costs.



W.P.No.25618 of 2024

WEB COPY

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

12.12.2024

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.25618 of 2024

WEB COPY

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W.P.No.25618 of 2024

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W.P.No.25618 of 2024

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