



W.P.No.28100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM :

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

AND

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

W.P.No.28100 of 2024

A.R.NAGARAJA

Vs

.. Petitioner

1. THE DISTRICT COLLECTOR
KRISHNAGIRI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER
KRISHNAGIRI DISTRICT.
3. THE THASILDAR
THENKANIKOTTAI TALUK,
KRISHNAGIRI DISTRICT.
4. THE REVENUE INSPECTOR
KELAMANGALAM,
DENKANIKOTTAI TALUK,
KRISHNAGIRI DISTRICT.
5. JRS CRUSHERS
REP BY ITS PARTNERS
OSAPURAM VILLAGE, JOTHYPURAM,
THENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

.. Respondents



W.P.No.28100 of 2024

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 4 to consider the petitioner's representations dated 03.06.2024 and 19.08.2024 and thereby direct respondents 1 to 4 to remove the encroachments made in Survey Nos.355 and 356 measuring 0.50.0 hec and 0.10.0 Hec (Government Poramboke land) situate at Hosapuram Village, Thenkanikottai Taluk, Krishnagiri District, by the fifth respondent by way of implementing the notice dated 27.09.2019 under section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the consequential notice dated 05.11.2019 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

For the Petitioner : Mr.K.Balakrishnan

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 4

: Mr.S.Thiruvengadam
for 5th respondent

ORDER

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

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 4 to consider the petitioner's representations dated 03.06.2024 and 19.08.2024 and thereby direct respondents 1 to 4 to remove the encroachments made in Survey Nos.355 and 356 measuring 0.50.0 hec and 0.10.0



W.P.No.28100 of 2024

Hec (Government Poramboke land) situated at Hosapuram Village, Thenkanikottai Taluk, Krishnagiri District, by the fifth respondent by way of implementing the notice dated 27.09.2019 under section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the consequential notice dated 05.11.2019 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. Learned counsel for the petitioner submits that though notices under Sections 7 and 6 of the Act have been issued to the fifth respondent in respect of the encroachment put up by it, till date the respondent authorities have not removed the encroachments.

3. Learned counsel for the fifth respondent submits that around 100 persons are working in the crushing unit run by the fifth respondent and the fifth respondent is ready and willing to offer alternative land in lieu of the land said to be encroached by it. He submitted that the said proposal may be directed to be considered by the respondent authorities instead of evicting the fifth respondent from the encroached portion.



W.P.No.28100 of 2024

WEB COPY

4. Refuting the aforesaid submission, learned counsel for the petitioner brought to the notice of this court an order dated 13.4.2022 passed by a Division Bench of this Court in W.P.No.35611 of 2019 [which was filed by the fifth respondent herein], wherein, while dismissing the writ petition, it has been specifically recorded that the submission made by the fifth respondent herein [writ petitioner therein] that it is ready to offer an alternative patta land in the nearby area is beyond the scope of the relief sought in the writ petition.

5. In view of the order dated 13.4.2022 passed by a Division Bench of this Court, the submission of learned counsel for the fifth respondent that they are inclined to provide alternative land in lieu of the encroached land cuts no ice.

6. Learned Government Advocate submitted that within eight weeks the first respondent shall evict the fifth respondent from the land in question, as already notices were issued way back in the



W.P.No.28100 of 2024

WEB COPY

year 2019.

7. Recording the aforesaid statement made by learned Government Advocate, the writ petition is disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
23.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

1. THE DISTRICT COLLECTOR
KRISHNAGIRI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER
KRISHNAGIRI DISTRICT.
3. THE THASILDAR
THENKANIKOTTAI TALUK,
KRISHNAGIRI DISTRICT.
4. THE REVENUE INSPECTOR
KELAMANGALAM,
DENKANIKOTTAI TALUK,
KRISHNAGIRI DISTRICT.



WEB COPY



W.P.No.28100 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

W.P.No.28100 of 2024

23.09.2024