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W.P.No.2608 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2608 of 2025

and

W.M.P.No.2918 of 2025

B.Lalith Kumar

... Petitioner

Vs.

1.The District Collector
Krishnagiri District

2.The Tahsildar
Hosur, Krishnagiri

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents their men agents and subordinates from in any way proceedings with the construction in the property situate at Survey Number 322/1 measuring an extent 0.03 cents in Bagalur Village, Hosur Taluk and Krishnagiri District.

For Petitioner : M/s.R.Poorniima

For Respondents : M/s.A.Selvendran, Spl.GP
for R.1 and R.2



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ORDER

The Writ Petition is filed for the following reliefs:-

"forbearing the respondents their men agents and subordinates from in any way proceedings with the construction in the property situate at survey Number 322/1 measuring an extent 0.03 cents in Bagalur Village, Hosur Taluk and Krishnagiri District."

Brief Facts:-

2. The land comprised in S.No.322/1, measuring an extent of 0.03 cents in Bagalur Village, Hosur, and Krishnagiri District, has been in the possession and enjoyment of the petitioner's family for a long duration. The said land is described as gramanatham land. On the said land the petitioner had put up a temporary structure made of asbestos sheets. The subject land has been assessed to property tax, which the petitioner is paying. A portion of the land is used for a cattle shed.

3. While so, in the year 2020, the respondents had issued notice under Sections 6 & 7 of the Land Encroachment Act to the petitioner.



Immediately, thereafter, the petitioner had approached the respondents where he was informed that only the cattle shed would be taken over and the remaining lands would not be disturbed.

4. The petitioner had also requested for issuance of patta. While the request for patta was pending, the respondents suddenly proposed to construct a public library on the subject property. On coming to know about the same, the petitioner had immediately given an objection in September 2024. The respondents once again assured the petitioner that his possession would be safeguarded. Since then, no notice has been issued by the respondents to the petitioner in this regard.

5. Thereafter, without serving any notice to the petitioner, the respondents barged into the subject property and started construction. Aggrieved by the same, the petitioner is before this Court.

6. Heard the learned counsels on either side.

7. Though the Writ Petition is filed for the relief set out supra, taking into accounts the facts and circumstances of the case it is disposed of with the following directions:-



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(i) Petitioner's representation dated 16.09.2024 shall be considered by the respondents within a period of 8 weeks after issuing due notice to the petitioner and after affording him a personal hearing.

(ii) Till such time enquiry is concluded, no construction shall be carried out on the subject property by either the petitioner or the respondents.

8. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

29.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Collector
Krishnagiri District

2.The Tahsildar
Hosur, Krishnagiri



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P.T. ASHA. J.,

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