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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 213 of 2023
CNR:{HCMA011713632022}
AND
WMP NO. 199 OF 2023

Case QR

Santhakumar
16, Dwaraka Nilayam, Vivek Garden, Hosur,
Krishnagiri District-635 109.

..Petitioner

Vs

1. The District Collector
   Krishnagiri District.

2. The Tahsildar
   Hosur Taluk, Krishnagiri District.

3. The Village Administrative Officer
   Kukkandapalli Village, Hosur Taluk,
   Krishnagiri District.

4. The District Revenue Officer,
   Krishnagiri District.

5. The Revenue Divisional Officer,
   Hosur Taluk, Krishnagiri District.

6. The Deputy Superintendent of Police,
   Krishnagiri District.

7. The Superintendent of Police,
   Krishnagiri District.

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8. The Deputy Tahsildar
Headquarters, Hosur Taluk, Krishnagiri
District.

9. The Station House Officer
Kukkandapalli Police Station, Hosur Taluk,
Krishnagiri District.

10. The revenue secretary
Revenue Department, Government of Tamil
Nadu, Secretariat, Fort St. George,
Chennai-08.

11. The Project Director
National Highways, Krishnagiri District.

12. The Commissioner
Hosur City corporation, Hosur, Krishnagiri
District.

13. The President,
Mukkandapalli Village Panchayat,
Mukkandapalli vilalge, Hosur taluk, Krishnagiri
District.

14. Adhiruban Pastor,
St. Josephs Church, 7th Street Maruthi Nagar,
Opposite Sivarangini Hotel, Hosur-635126.
(R14 IMPLEADED VIDE ORDER DT
11.01.2023 MADE IN WMP.947/2023 IN
WP.213/2023 BY ACJ, DBCJ)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India for a Writ of Mandamus directing the respondents herein more specifically the respondents 1 to 10 to take all steps necessary to demolish the illegal church / super structure being built as an Encroachment without Statutory proper approval or permission of the concerned authorities as violating all the Honourable Apex

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Court guidelines and Judgements Acharaya Maharajshri Narandraprasadji Anandprasadji Maharaj Vs. State of Gujrat (1975) SCC (1)11, dated 03.10.1974 and Rev. Stanislaus Vs. State of Madhya Pradesh (1977) (1) SCC 677, dated 17.01.1977 and Church of God (Full gospel) in India Vs.KKR Majestic Colony Welfare Association and others-2000 (7) SCC 282, dated 30.08.2000 and T.Wilson Vs. District Collector Kanyakumari-2021 3 CTC 833 dated 29.04.2021 amongst other judgments and consequently remove the encroachment in survey Number 370/1, JF Road, Classified as Pattai Government Poramboke Land situated at Mukkandapalli Village, Hosur Taluk, Krishnagiri District within a reasonable time frame - based on the representation of the petitioner dated 09.04.2021, 16.04.2021, 07.06.2021 and 29.11.2021 and also taking into consideration Honourable Supreme Court Judgements in this regard.

For Petitioner : Mr.B.Jagannath

For Respondent(s): Mrs. E. Ranganayaki Agp. For Rr 1 To 3
Fr.Xavier Arulraj
for M/s. Father Xavier Associates for R14

Order

(Order of the Court was made by S.M.Subramaniam J.)

Writ of Mandamus has been instituted to direct the respondents to take all steps necessary to demolish the illegal church / super structure being built as an Encroachment without Statutory proper approval or permission of the concerned authorities.

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2. In the context of the relief sought for in the present writ petition and in pursuance to the direction issued by this Court to conduct enquiry and to file status report, the Tahsildar. Hosur has filed a status report. This Court also recorded the status report of the Tahsildar vide order dated 12.06.2026. The status report reveals the following facts.

> " *It is submitted that the land in S.No.370/1 extent 2.16.00 Hectare of Mookondapalli village has been classified as "J.F.Road Battai" in the Revenue/ Government records. "Battai" literally denotes path or road. The said road starts from Dharga Muthumariyamman kovil and ends at Titan Jwellery in Mookondapalli village. There are following encroachments in the land S.No.370/1 of Mookondapalli Village.*
>
> *1. Christian church - 27 Cents.*
>
> *2. Om Sakthi temple, Sai Baba temple, Shiva Temple-10 Cent.*
>
> *3. Sivaranjani Hotel, Park, Vinayagar temple - 90 Cent.*
>
> *4. Anjaneya Temple - 2 Cents*
>
> *5. Houses- 2 Cent*
>
> *6. Concrete shops - 2 Cents*
>
> *7. Temporary encraochments like Petty shops, temporary hotels.*
>
> *8. First Step Baby wear Private Ltd, - 7 Cents*
>
> *It is submitted that the Petitioner is said to be the joint secretary of Vishwa Hindu Parishad of Tamil Nadu unit and*

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the Petitioner has filed this public interest litigation Petition in this Honourable High Court with a prayer to demolish the church constructed by the Christian community people

Now the construction work of the church has been stopped and a church building is in existence the said land. Prayer is being conducted in the church. The Petitioner being the Hindu outfit objects the existence of church in the said land.

It is submitted that there are 7 encroachments in the said land. Immediate eviction of the encroachments will create law and order problem in the area. Hence a go slow policy has been taken in the matter. However, this Respondent will obey and implement the order of the High court.

In the circumstances stated above it is humbly prayed to this Honourable court pleased to accept this Status Report and pas suitable orders, as this Honourable Court deem fit and proper and thus render justice."

3. Learned Government Pleader would submit that show cause notice under Section 7 of the Land Encroachment Act has been issued to the encroachers, affording opportunity to the encroachers to submit their explanations. On receipt of the explanation, it is to be considered by the competent authorities and final notice under Section 6 is to be issued. Thereafter, enforcement actions are to be executed.

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4. Learned Senior Counsel appearing on behalf of the 14th respondent would submit that the petitioner is targeting the 14th respondent alone knowing the fact that there are other encroachers. He would submit that the petitioner would have to raise objections against all encroachments including the one made by the 14th respondent.

5. This Court cannot form an opinion regarding the entire encroachments in the present writ petition. Therefore, it is necessary to consider the encroachments identified by the Tahsildar in his status report. In respect of other encroachments, if any exists, the 14th respondent or any other person is at liberty to file a complaint to the competent authority, who in turns shall take all appropriate actions in the manner known to law. As far as the status report is concerned, the details regarding encroachments are stated by the Tahsildar and already notice has been issued under Section 7 of the Land Encroachment Act.

6. This being the factum, the official respondents are directed to proceed with the enforcement action by following the procedures as contemplated under the relevant Statutes and Rules in force and remove the encroachments, and allow the government land to be utilised for public purpose for usage of the

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public. The entire exercise is to be directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
14-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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   Krishnagiri District.

2. The Tahsildar
   Hosur Taluk, Krishnagiri District.

3. The Village Administrative Officer
   Kukkandapalli Village, Hosur Taluk, Krishnagiri District.

4. The District Revenue Officer,
   Krishnagiri District.

5. The Revenue Divisional Officer,
   Hosur Taluk, Krishnagiri District.

6. The Deputy Superintendent of Police,
   Krishnagiri District.

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   Headquarters, Hosur Taluk, Krishnagiri District.

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    Revenue Department, Government of Tamil Nadu, Secretariat, Fort St. George, Chennai-08.

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Mukkandapalli vilalge, Hosur taluk, Krishnagiri District.

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