

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10-8-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.10567 of 2015

A.Velusamy

...Petitioner

Vs.

1. The District Collector,
Coimbatore.
2. The Tahsildar,
Pollachi,
Coimbatore District.
3. The Block Development Officer,
Pollachi North Panchayat Union,
Pollachi,
Coimbatore District.
4. The President,
Pulliamepatti Panchayat,
Pollachi North Taluk, Pollachi,
Coimbatore.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the Writ of Mandamus forbearing the 4th respondent, their staff, men, sub-ordinates and anybody claiming under him from treating the private property settled in favour of the petitioner measuring 5462 sq.ft in Ka.Sa.No.85/3 in Pulliampatti Village, Pollachi Taluk, Coimbatore District as reserved site.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.V.Jayaprakashnarayanan
Spl.Govt.Pleader

ORDER

The petitioner has come before this Court seeking Writ of Mandamus forbearing the respondents from treating the settled property in his favour measuring about 5462 sq.ft. in Ka.Sa.No.85/3 in Pullilyampatti Village, Pllachi Taluk, Coimbatore District as reserved site.

2. The learned counsel appearing for the petitioner would submit that petitioner's father promoted a lay out and after gifting away property for roads, the land measuring about 5462 sq.f.t. in Ka.Sa.No.85/3 was kept as a private property. Certain encroachments were made in the public road. Therefore, a public interest litigation was filed in W.P.No.17654 of 2013 and by order dated 12.11.2013, this Court directed the removal of encroachments. While removing the encroachments on the public pathway, the encroachment on the settled property in favour of the petitioner, was also removed. Therefore, the 4th respondent is claiming the property which has bee settled in favour of the petitioner, as reserved property. Aggrieved over that the petitioner has come before this Court.

3. Heard Mr.S.Senthilnathan, learned counsel appearing for the petitioner and Mr.V.Jayaprakashnarayanan, learned counsel appearing for the respondents. The petitioner claims that the property was settled in his favour and not to be claimed as reserved by the 4th respondent.

4. The said issue can only be gone into by way of filing a Civil Suit. Hence, this Writ Petition is dismissed giving liberty to the petitioner to approach before the competent Civil Court. No costs. Consequently the connected M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vk

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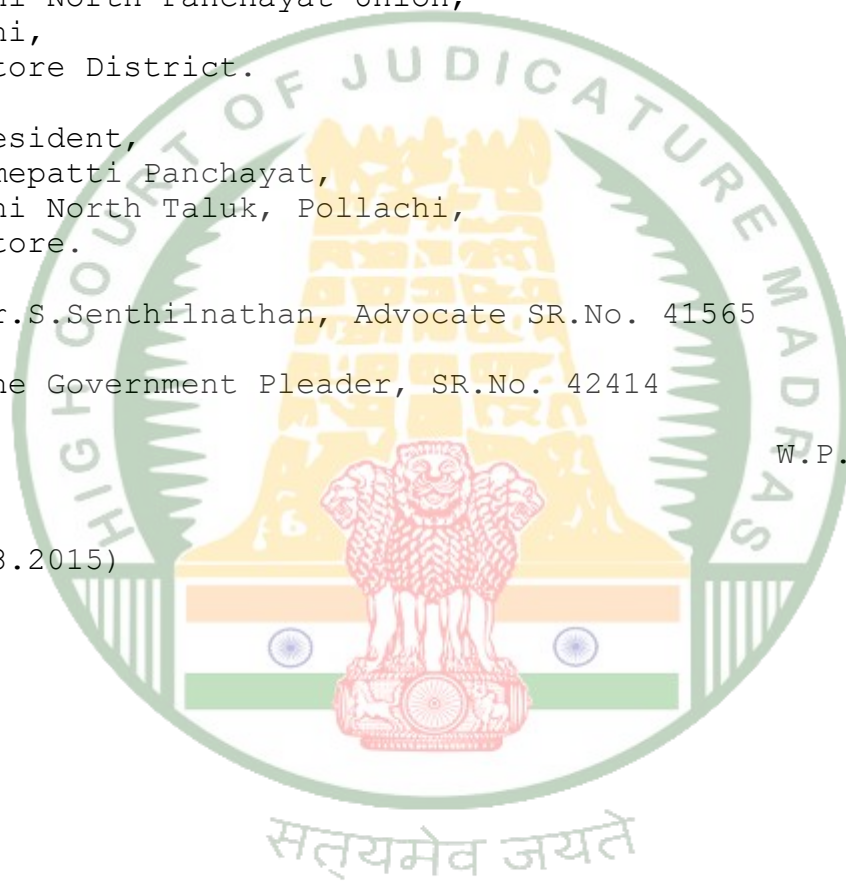
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1 CC to Mr.S.Senthilnathan, Advocate SR.No. 41565

1 CC to the Government Pleader, SR.No. 42414

W.P.No.10567 of 2015

SKV (CO)
PSI (25.08.2015)



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