

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.26023 of 2015

and

M.P. No.1 of 2015

1. R. Sundar
2. R. Maruthachallam
3. R. vellingiri
4. Champalal G. Parekh
5. Kiran

...Petitioners

vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary
Revenue Department
Secretariat Fort St. George Chennai-9.
- 2 The District Collector
Coimbatore District
Office of the District Collector
State Bank of India Road
Coimbatore-641018.
- 3 The District Revenue Officer
Coimbatore District
Office of the District Collector
State Bank of India Road
Coimbatore-641018.
- 4 The Superintendent of Police
Coimbatore Rural Vivekananda Road
Ram Nagar Coimbatore.

- 5 The Revenue Divisional Officer
Office of the District Collector,
State Bank of India Road,
Coimbatore-641018.
- 6 The Asst. Director of Survey
Office of the District Collector,
State Bank of India Road,
Coimbatore-641018.
- 7 The Dy. Inspector of Survey
Office of the District Collector
State Bank of India Road,
Coimbatore-641018.
- 8 The Tahsildar,
Perur Taluk,
Perur,
Coimbatore District.
- 9 R.Ponnusamy
Residing at No.97-A
Narayanaguru Road,
Saibaba Colony,
Coimbatore-641011.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 8 to remove the encroachment at the Government land comprised in survey No.414, Vedavalli Village, Perur Taluk, Coimbatore District, by the 9th respondent or any other person within a time frame fixed by this Court and restore the land as it was originally.

For petitioners : Mr. T. Sellapandian

For respondents : Mrs. A. Srijayanthi
Special Government Pleader

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ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 8. With the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 8, this writ petition is taken up for final disposal, at the admission stage itself. Notice to the ninth respondent is dispensed with at this stage, as no consequential action shall be taken by the concerned authorities, on the petitioners' representation without notice to him.

2 This writ petition is filed seeking a direction to the respondents 1 to 8 to remove the encroachments made by the ninth respondent in the Government land in S.V.No.414, bund of Pallavari (water course) Vadavalli Village, Perur Taluk, Coimbatore District.

3 According to the petitioners, they are the absolute owners of agricultural lands situated in S.Nos. 416/2A, 416/2B, 416/2C, 393/1, 412/2, 392 and 393/2, Vadavalli Village, Perur Taluk, Coimbatore District. The bud of Pallavari (water course) is the only access to the layout in S.Nos. 409 (part), 410 (part) 411 (part) and 415 (part). While so, the owner of the adjacent land, viz., the 9th respondent, has encroached upon the said bud of the water course and fenced the land. The said encroachment is deterring the residents from having access to their property. Feeling aggrieved, the petitioners have addressed a representation dated 13th July 2015 to the second respondent, which had gone unheeded by him. Thus, the instant writ petition for the aforestated relief.

4 Today, when the matter is taken up for hearing, the learned counsel for the petitioners submits that it would suffice if a direction is given to the second respondent to consider the petitioners' representation dated 13th July 2015 within a time-frame.

5 In view of the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the second respondent to consider the petitioners' representation dated 13th July 2015 on its own merits and in accordance with law and take consequential action thereafter. The entire exercise shall be carried out within a period of six weeks from the date of receipt of a copy of this order. Needless to state that no adverse action shall be taken without affording an opportunity of hearing to the alleged encroachers, including the 9th respondent.

6 With the above direction and observation, this writ petition stands disposed of. Connected miscellaneous petitions are closed. Costs made easy.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary
Revenue Department
Government of Tamil Nadu
Secretariat Fort St. George Chennai-9.
- 2 The District Collector
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8 The Tahsildar,
Perur Taluk,
Perur,
Coimbatore District.

1 CC to Mr. T. Sellapandian, Advocate SR.No. 44393

1 CC to the Government Pleader, SR.No. 44564

W.P. No.26023 of 2015

SR (CO)
PSI (09.09.2015)



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