

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 29897 of 2014

V.K. Vengudusamy

...Petitioner

Vs.

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
3. The Thasildar,
Annur Taluk Office,
Annur,
Coimbatore District.
4. The Village Administrative Officer,
Vellanaipatti Village,
Annur Taluk,
Coimbatore District.

5. E. Shanmugasundaram

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1 to 4 respondent authorities to remove the encroachment made by the 5th respondent in respect of the Kuttai & Odai Promboke comprised in S.No. 775

situated at Vellanaipattai Village, Annur Taluk, Coimbatore and Coimbatore District by considering the representation dated 7.8.2014.

For petitioner : Mr. K. Myilsamy

For respondents : Mr. N. Sakthivel
Govt. Advocate - R1 to R4
Mr. K. Suresh
for
Mr. E.K.Kumaresan - R5

ORDER

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

The petitioner, claiming to be the owner of the adjacent agricultural land, has come up with this writ petition seeking a direction to the respondents 1 to 4 for removal of the alleged encroachment made by the 5th respondent.

2. The 5th respondent, pursuant to the notice issued by this Court on 14.5.2014, has filed counter affidavit stating therein that he has not made any encroachment.

3. On the other hand, the third respondent, in his counter affidavit dated 12.1.2015, has stated that notice under Section 7 of the Land Encroachment Act, 1905, has been issued on 9.1.2015 to the 5th respondent to remove both the encroachments in respect of the Kuttai and Odai poramboke comprised in S.No. 775, situated at Vellanaipattai Village, Annur Taluk, Coimbatore.

4. The facts are disputed and as such, we do not propose to go into the same. Since notice has been issued by the authorities to the 5th respondent, he is at liberty to put forward his case before the authorities, within a period of two weeks and thereafter, within a period of four weeks, the authorities are directed to take appropriate action, on merits and in accordance with law.

5. The writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2014 is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ra

To

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
3. The Thasildar,
Annur Taluk Office,
Annur,
Coimbatore District.
4. The Village Administrative Officer,
Vellanaipatti Village,
Annur Taluk,
Coimbatore District.

1 CC to Mr. E.K.Kumaresan, Advocate SR.No. 8464

1 CC to the Government Pleader, SR.No. 8795

1 CC to Mr. K. Myilsamy, Advocate SR.No. 8644

W.P. No.29897 of 2014

TS (CO)
PSI (05.03.2015)