

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.32699 of 2015
and
M.P.No.1 of 2015

K.Rajagopal

...Petitioner

Vs

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018

2. The Tahsildar,
Pollachi Taluk,
Coimbatore District

3. The Deputy Superintendent of Police,
Pollachi Sub Division,
Coimbatore District

4. The Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to protect the petitioner's right to property measuring 1.52 acres bearing S.No.20/1B of Okkilipalayam Village, Pollachi Taluk, by considering the petitioner's representation dated 21.09.2015.

For Petitioner : Mr. N.Manokaran

For Respondents : Mr. R.A.S.Senthilvel, AGP.,

O R D E R

Mr.R.A.S.Senthilvel, learned Additional Government Pleader, takes notice for the respondents. By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come forward to file this writ petition on the following facts:-

Out of a larger extent of 4.40 acres in S.No.20/1B of Okkilipalayam Village, Pollachi Taluk, an extent of 2.55 acres has been acquired by the second respondent, leaving the remaining acres (1.52 acres). A partition suit was filed for the remaining extent between the legal heirs in which a preliminary decree for partition has been obtained. As the properties in the said suit involves some other properties also, it was also negatived and an appeal has been preferred, in which this Court has reserved judgment. However, inspite of the fact that a decree has been obtained with respect to 1.52 acres in S.No.20/1B, an attempt has been made by the third parties, by putting up construction at the behest of the official respondents.

3. The learned counsel for the petitioner submitted that, a representation dated 21.09.2015 has been made by the petitioner in this regard and the same may be directed to be disposed of by the respondents.

4. Considering the submission made and taking into consideration the pendency of the representation of the petitioner dated 21.09.2015, without going into the merits of the case, a direction is hereby issued to the second respondent to pass appropriate orders on the said representation of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and the third parties against whom allegations have been made.

5. This writ petition is disposed of accordingly. No costs. Consequently the connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. The District Collector,
Coimbatore District,
Coimbatore - 641 018

2. The Tahsildar,
Pollachi Taluk,
Coimbatore District

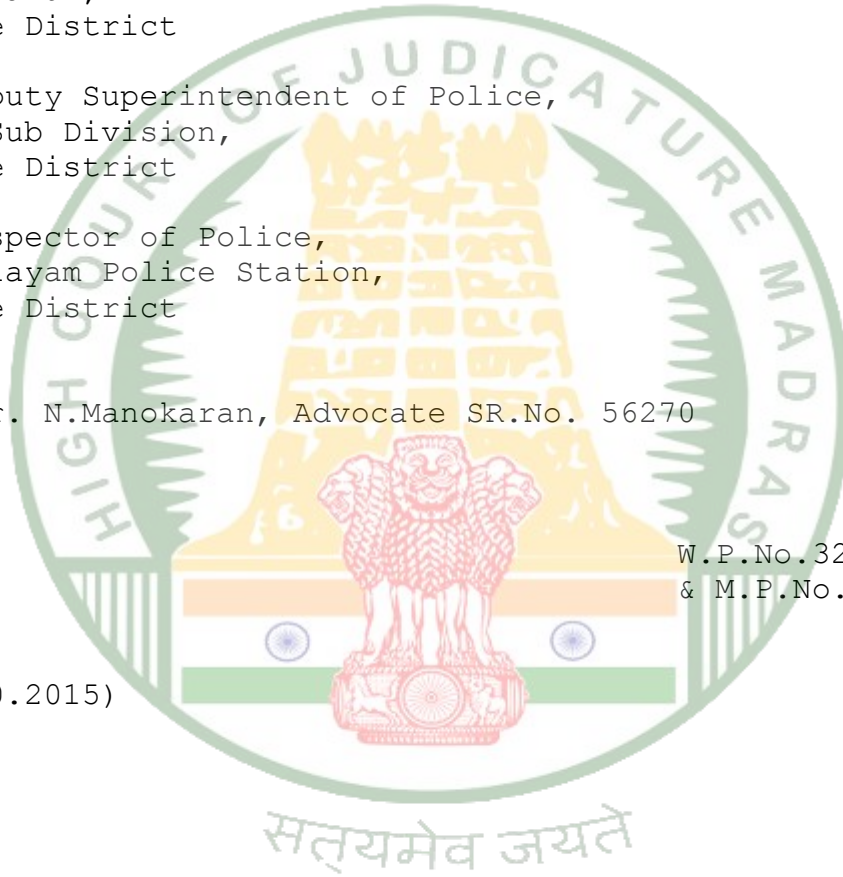
3. The Deputy Superintendent of Police,
Pollachi Sub Division,
Coimbatore District

4. The Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District

1 CC to Mr. N.Manokaran, Advocate SR.No. 56270

W.P.No.32699 of 2015
& M.P.No.1 of 2015

BVR (CO)
PSI (14.10.2015)



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