

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 13-02-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No. 3696 of 2015 and M.P. No.1 of 2015

K. Thamba Gounder

Petitioner

Vs.

- 1 The District Collector
Coimbatore , Coimbatore District.
- 2 The Commissioner
Office of Town and Country Planning,
No.807 Annasalai, Chennai.
- 3 The Deputy Director (Public)
Town and Country Planning,
Coimbatore Division, Coimbatore.
- 4 The Member Secretary (Public)
Rural Planning Commission, Coimbatore
Corporation Building Complex,
Sivaandha Colony, Coimbatore.
- 5 The President
Keeranatham Panchayat Union, Coimbatore.
- 6 M/s. Coimbatore Hi Tech
Infrastructure Private Limited
Rep. by its Director,
Door No.365 Thudialur Road,
Saravanamapattai, Coimbatore Taluk,
Coimbatore District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 5th respondent authorities to remove the encroachment made by the 6th respondent in the panchayat union road comprised in S.Nos. 375/7B, 375/1A, 375/2B, 375/5B, 376/2B, 377/3, 378/2A, 378/2B, 371/2A, 371/2B

and 370/1 situated at Keeranatham Village, Coimbatore Taluk and Coimbatore District by considering representation dated 10/11/2014.

For petitioner

No Appearance

For respondents

Mr. N. Sakthivel
Govt. Advocate - R1 to R4

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ORDER

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

Mr. N. Sakthivel, learned Government Advocate accepts notice on behalf of the respondents 1 to 4.

2. The only limited relief sought for in this petition is a direction to the respondents 1 to 5 to consider the representation dated 10.11.2014 of the petitioner, wherein, the petitioner has alleged that the sixth respondent-company had encroached upon the common road and constructed compound wall and they have fenced the entire land in order to coerce the petitioner to sell the land to them. It is further alleged that illegal encroachment is causing inconvenience to the public at large.

3. In that view of the matter, at this stage, we do not propose to decide the case on merits. However, we direct the first respondent to examine the petitioner's aforesaid representation and take appropriate action in accordance with law and on its own merits. Needless to state that before taking any action, Principles of Natural Justice have to be followed by issuing notice to the concerned parties for affording proper opportunity of hearing. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition stands disposed of. Connected Miscellaneous Petitions is closed. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

- 1 The District Collector
Coimbatore , Coimbatore District.
 - 2 The Commissioner
Office of Town and Country Planning,
No.807 Annasalai, Chennai.
 - 3 The Deputy Director (Public)
Town and Country Planning,
Coimbatore Division, Coimbatore.
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Rural Planning Commission, Coimbatore
Corporation Building Complex,
Sivaandha Colony, Coimbatore.
 - 5 The President
Keeranatham Panchayat Union, Coimbatore.
- + one cc to Mr.K.Myilsamy, Advocate SR.7952
- + one cc to Govt.Pleader, High Court, Madras SR.7869

W.P. No.3696 of 2015

BVR(CO)
JK 21/02/15

सत्यमेव जयते

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