

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.37564 of 2015

and

M.P.No. 1 of 2015

K. Jeyakumar

...

Petitioner

Vs

1. The District Collector,  
Coimbatore District,  
Coimbatore.
2. District Revenue Officer,  
Coimbatore District,  
Coimbatore.
3. The Revenue Divisional Officer,  
Coimbatore District,  
Coimbatore.
4. The Tahsildar,  
Coimbatore North Taluk,  
Coimbatore,  
Coimbatore District.
5. The Inspector of Police,  
Periyannayanakkanpalayam Police Station,  
Coimbatore District, Coimbatore.
6. Deputy Inspector of Police,  
Periyannayanakkanpalayam Police Station,  
Coimbatore District, Coimbatore.
7. Mr. Mohanraj
8. Mr. Selvam
9. Mr. Narayanamoorthy
10. Mr. Jeganathan

...

Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of mandamus directing the respondents 1 to 6 to consider the petitioner's representation dated 03.08.2015 in accordance with law within the time stipulated by this Court and to remove the encroachment including the superstructure made in S.Nos. 443/2 and 443/3 situated at Kumarapuram Village, Coimbatore North Taluk, Coimbatore District and proceedings of the 3<sup>rd</sup> respondent made in M.C. 113/2012/A1, dated 18.04.2013.

For Petitioner : Mr. K. Balaji

For Respondents: Mrs. A. Srijayanthi  
Spl. Govt. Pleader R1 to R6

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents 1 to 6. Notice to respondents 7 to 10 is dispensed with at this stage, inasmuch as no adverse order is passed against them in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 6, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 6 to consider the petitioner's representation dated 03.08.2015 in accordance with law and to remove the encroachment, including the superstructure made in S.Nos. 443/2 and 443/3 situated at Kumarapuram Village, Coimbatore North Taluk, Coimbatore District.

3 It is stated by the learned counsel for the petitioner that on an earlier occasion, the Revenue Divisional Officer, by order dated 18 April 2013, holding that the land in question is a Government water channel poromboke, directed the Tahsildar to maintain the nature of the land and take necessary steps to remove the encroachment or construction, if any, made thereon. The Tahsildar, Coimbatore North Taluk, was also directed to do the needful and keep watch over the same to avoid subsequent encroachment.

4 Learned counsel appearing for the petitioner further submits that with the passage of time, the Tahsildar/fourth respondent failed to keep a vigil on the said land and certain encroachments have been made. The petitioner, noticing the encroachment, which is causing obstruction to free flow of water, brought the same to the notice of the first respondent/

District Collector as well as the third respondent / Revenue Divisional Officer, vide communication dated 3 August, 2015. According to the petitioner, the respondents have paid no heed to the aforestated communication/representation. Thus, the petitioner is constrained to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

5 Mrs. A. Srijayanthi, learned Special Government Pleader, appearing for the official respondents 1 to 6 submits that necessary action will be initiated forthwith and concluded, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity of hearing to all the alleged encroachers.

6 In view of the above said submission of the learned Special Government Pleader, it is ordered accordingly.

7 The writ petition stands disposed of with the above observation. No costs. Connected miscellaneous petition is also dismissed.

Post after eight weeks for filing compliance report.

Sd/-  
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ra  
To

1. The District Collector,  
Coimbatore District,  
Coimbatore.
2. District Revenue Officer,  
Coimbatore District,  
Coimbatore.
3. The Revenue Divisional Officer,  
Coimbatore District,  
Coimbatore.
4. The Tahsildar,  
Coimbatore North Taluk,  
Coimbatore,  
Coimbatore District.

5. The Inspector of Police,  
Periyanayanakkanpalayam Police Station,  
Coimbatore District, Coimbatore.

6. Deputy Inspector of Police,  
Periyanayanakkanpalayam Police Station,  
Coimbatore District, Coimbatore.

7. The Section Officer,  
Writ Section,  
High Court, Madras. (For Posting)

+1 cc to Mr.K.Balaji, Advocate, sr.63879

+1 cc to Government Pleader, sr.64249

W.P. No.37564 of 2015

vs co  
kra 15.12.2015



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