

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.23756 of 2012
&
M.P.No.1 of 2012

M.Subramaniam

... Petitioner

vs.

1. The District Collector,
Coimbatore.
2. The Revenue Divisional Officer,
Office of the RDO, Collectorate,
Coimbatore.
3. The Executive Engineer,
Public Works Dept.,
Parambikulam-Aaliyar Basin Division,
Pollachi, Coimbatore Dist.
4. The Tahsildar,
Sulur Taluk,
Coimbatore Dist.

5. Manthiriappa Gounder

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st respondent to take action against the 5th respondent as per Section 4 of The Tamil Nadu Irrigation Works (Construction of Field Bothies) Act (Act 25 of 1959) for not allowing to construct field bothies to the petitioner's land.

For petitioner : Mr.N.Manoharan

For respondents : Mr.R.Ravichandran, AGP for R1-R4
Mr.T.M.Hariharan for R5

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the 1st respondent had submitted that notices would be issued to the petitioner, as well as the 5th respondent, and the other persons concerned, if any, and an enquiry would be conducted, with regard to the issues raised by the petitioner, as well as the 5th respondent, in the present Writ Petition. Thereafter, the 1st respondent would pass appropriate orders, with regard to the claims made by the petitioner, in his affidavit filed in support of the Writ Petition, and the claims made by the 5th respondent, in his counter affidavit, dated 20.2.2014.

3. The submissions made by the learned counsel appearing on behalf of the 1st respondent had been accepted by the learned counsels appearing on behalf of the petitioner, as well as the 5th respondent.

4. In such circumstances, the 1st respondent is directed to issue notices to the petitioner, as well as the 5th respondent, and the other persons concerned, if any, with regard to the issues raised by the petitioner, in the Writ Petition, and the averments made by the 5th respondent, in his counter affidavit, dated 20.2.2014. Thereafter, the 1st respondent shall conduct an enquiry and pass appropriate orders thereon. The said exercise shall be carried out by the 1st respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, with the above directions. No costs. M.P.No.1 of 2012 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gs.

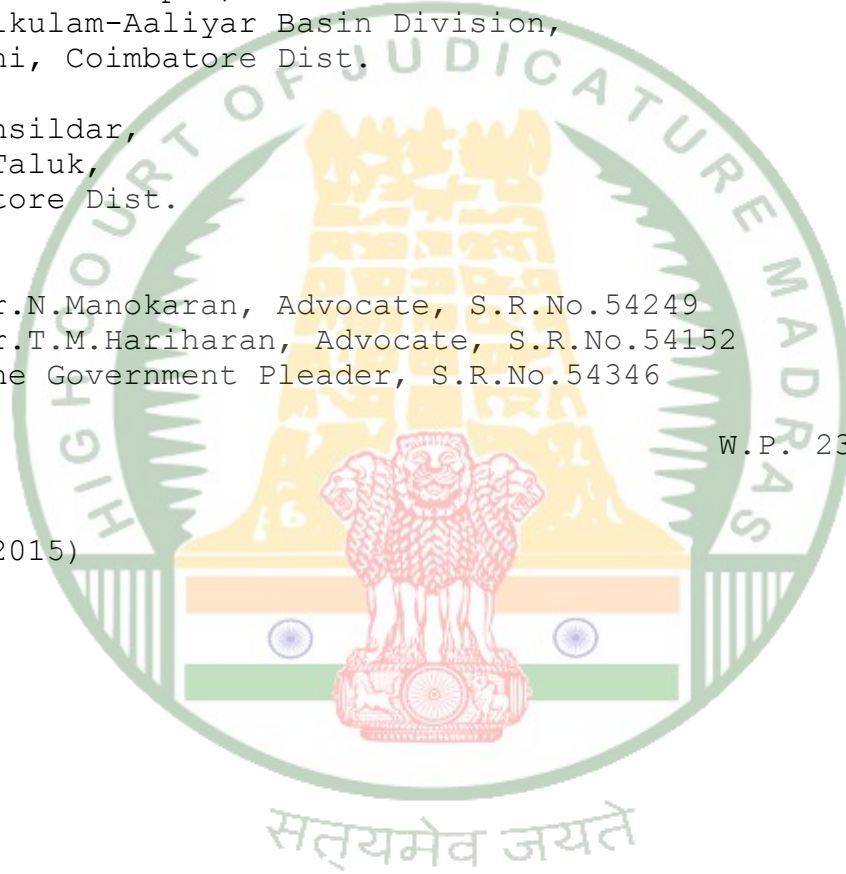
To

1. The District Collector,
Coimbatore.
2. The Revenue Divisional Officer,
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Coimbatore.
3. The Executive Engineer,
Public Works Dept.,
Parambikulam-Aaliyar Basin Division,
Pollachi, Coimbatore Dist.
4. The Tahsildar,
Sulur Taluk,
Coimbatore Dist.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.54249
+1cc to Mr.T.M.Hariharan, Advocate, S.R.No.54152
+1cc to the Government Pleader, S.R.No.54346

W.P. 23756 of 2012

GJ(CO)
CA(19/10/2015)



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