

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.34652 of 2012

S.Shanmugam

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Revenue Divisional Officer,
Collectorate, Coimbatore-641 018.

3. The Tahsildar,
Coimbatore South Taluk,
Coimbatore District.

4. The Executive Engineer-PWD,
Irrigation Division,
Bhavani Sagar Dam,
Bhavani Sagar-638 451.

5. B.Somasundaram

... Respondents

Petition under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the water canal in Survey Nos.51/1 and 52/3 and encroachment made in the public cart track in Survey Nos.51/2 and 52/4, Perur, Coimbatore South Taluk, Coimbatore District within such time as may be fixed by this Court.

For Petitioner : No Appearance

For Respondents : Mr.STS.Moorthy
Govt. Pleader for R1 to R4
Mr.M.Arvind Subramanian for R5

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, vide the present public interest litigation, seeks removal of encroachment by the fifth respondent in the water canal in Survey Nos.51/1 and 52/3 and the encroachment made in the public cart track in Survey Nos.51/2 and 52/4, Perur, Coimbatore South Taluk, Coimbatore District.

2. Learned counsel for the fifth respondent submits that this is actually in the nature of a private litigation and civil disputes are pending inter se certain parties and the petitioner has only acted as friend for the opposite side in the private dispute. Typed set of documents have been submitted in Court, which include the sale deed, plaint filed, complaint given by the petitioner, FIR registered and petition filed for quashing of proceedings.

3. We, thus, are of the view that it would not be appropriate to interfere in this private lis in the present public interest litigation. But insofar as the respondent Government authorities are concerned, they would act in accordance with law and as per revenue entries, after notice to all concerned, unless they are injuncted by the Court proceedings.

4. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Asst. Registrar

/true copy/

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Sub Asst. Registrar.

BBR

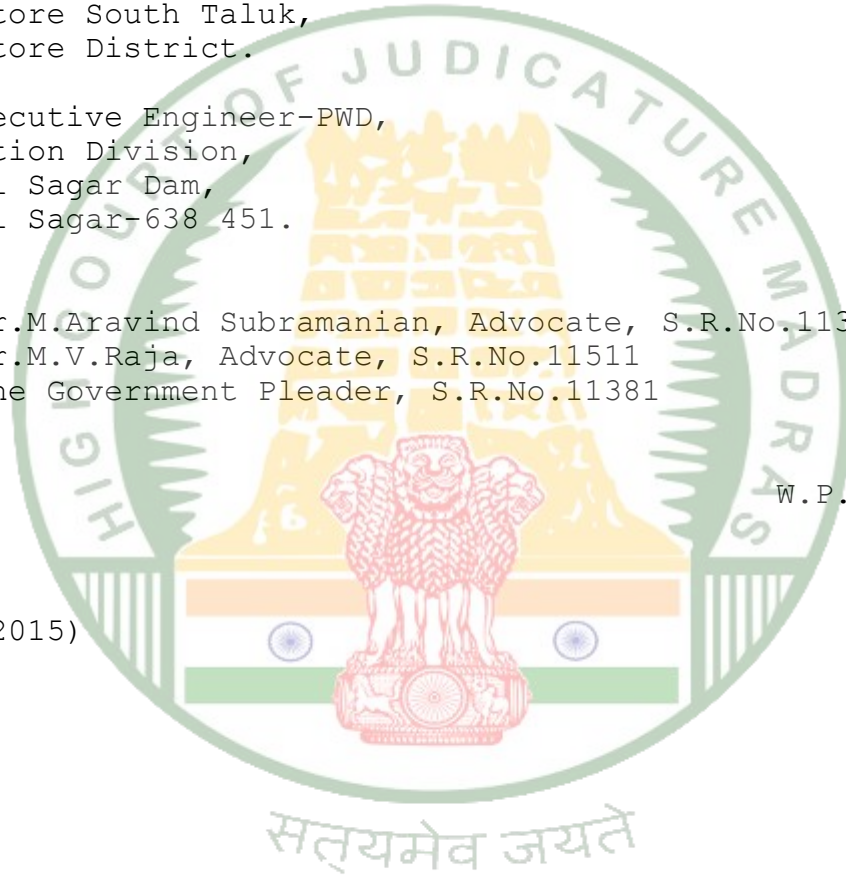
To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Revenue Divisional Officer,
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3. The Tahsildar,
Coimbatore South Taluk,
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4. The Executive Engineer-PWD,
Irrigation Division,
Bhavani Sagar Dam,
Bhavani Sagar-638 451.

+1cc to Mr.M.Aravind Subramanian, Advocate, S.R.No.11340
+1cc to Mr.M.V.Raja, Advocate, S.R.No.11511
+1cc to the Government Pleader, S.R.No.11381

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RV(CO)
CA(11/03/2015)



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