

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.39597 of 2015

V.S.Gopalasamy .. Petitioner

Vs.

1.The District Collector,
O/o. Collectorate Building,
Coimbatore - 641 018.

2.The District Revenue Officer,
O/o. Collectorate Building,
Coimbatore - 641 018.

3.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore District.

4.The Tahsildar,
Coimbatore North/Now Annur
Taluk, Coimbatore District.

5.V.Thangaraj

6.S.Seenivasan .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 4 to complete the eviction proceedings initiated by the fourth respondent to remove the illegal encroachments made in the cart track running in the lands comprised in Survey Nos.107/2, 103/2, 108/2, 109, 110, 65 & 62 situated at Kattampatti Village, Annur Taluk, Coimbatore District within a period stipulated by this Court and to maintain the same as cart track forever.

For Petitioner .. Mr.R.Murali

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 to R4
Mr.A.V.Raja for R5
R6 - No appearance

ORDER

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

With the consent of the learned counsel for the petitioner, learned Special Government Pleader appearing for respondents 1 to 4 and the learned counsel appearing for the fifth respondent, the writ petition is taken up for final disposal. Despite service of notice and printing the name of the learned counsel for the sixth respondent, there is no representation on behalf of the sixth respondent.

2.The petitioner, who is stated to be the resident of the area in question, has come up with this writ petition, seeking a direction to the official respondents to remove the illegal encroachment made in the cart track running in the lands comprised in Survey Nos.107/2, 103/2, 108/2, 109, 110, 65 & 62 situated at Kattampatti Village, Annur Taluk, Coimbatore District.

3.Pursuant to our notice, the District Collector/first respondent had filed a counter affidavit dated 30 December 2015, whereunder it is clearly stated that the said cart track is free from encroachers as the encroachments have been removed on 28 December 2015 itself.

4.Learned counsel appearing for the petitioner submits that the counter affidavit is not correct in all aspects as encroachment in some portions has been left in tact. Thus liberty be given to the petitioner to make representation, pointing out the specific portion, which has not been removed, to which, the learned Special Government Pleader appearing for the State submits that if a representation is made pointing out the encroachment in specific portion, steps would be taken immediately to remove the same also in accordance with law within a period of four weeks from the date of receipt of such representation.

5.It is stated by the learned counsel appearing for the fifth respondent that the dispute in respect of the same land is subject matter of adjudication before the civil Court. The District Collector is directed to examine the said position and after affording an opportunity of hearing to the fifth respondent, take a decision on its own merits and in accordance with law.

6.With the above observation, the writ petition shall stand disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mmi

To

- 1.The District Collector,
O/o. Collectorate Building,
Coimbatore - 641 018.
- 2.The District Revenue Officer,
O/o. Collectorate Building,
Coimbatore - 641 018.
- 3.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore District.
- 4.The Tahsildar,
Coimbatore North/New Annur
Taluk, Coimbatore District.

1 cc to Mr.R. Murali, Advocate, Sr. 4010
1 cc to Mr.A.V. Raja, Advocate, Sr. 3887
2 ccs to Government Pleader, Sr. 6158, 4245

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VGI (CO)
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