

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.02.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.32684 of 2012

Abdul Kareem

... Petitioner

Versus

1. The District Collector,
Krishnagiri District.

2.M.K.Basha
3.Kadharsha
4.Usainsha
5.Usain
6.Badhusa
7.Barkash Sha

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 10.10.2012 and consequently direct the 1st respondent to remove the encroachment made by the respondents 1 to 7 in the land comprised in S.No.205/1B2A5 Kollamkottai Village, P.G.Puthur, Krishnagiri District classified as 16 feet common pathway and also the encroachment made in the lake being the water body located adjacently therein and thereby to restore the common pathway and the water body to their original status as reflected in the revenue records.

For Petitioner ::: Mrs.Rita Chandrasekar
for M/s.R.Gouri

For Respondent ::: Mr.S.T.S.Murthi.
Government Pleader for R.1
Mr.P.M.Duraiswamy for R.2
to R.4, R.6 and R.7.
No appearance for R.5

O R D E R

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

The allegation of the petitioner is that the land comprising 16 feet common pathway as also lake area comprised in S.No.205/1B2A5, Kollamkottai Village, P.G.Puthur, Krishnagiri District, has been encroached by the private respondents, a position sought to be denied by the private respondents.

2. We are informed that a suit has been filed qua the issue of common pathway.

3. We are thus of the view that as far as the issue of common pathway is concerned, for which the petitioner himself is stated to have filed the suit, the issue would be decided only in suit proceedings.

4. We are also informed, the suit filed by respondent Nos.2 to 4, 6 and 7 was dismissed qua the same subject matter and S.A.No.1221 of 2013 is stated to be pending.

5. To the extent the allegation is against the encroachment in the lake being water body, the first respondent is directed to look into the representation of the petitioner dated 10.10.2012 and decide the same by a speaking order, after notice to all concerned within a maximum period of two months of the receipt of the order.

Writ petition stands disposed of, leaving the parties to bear their own costs.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

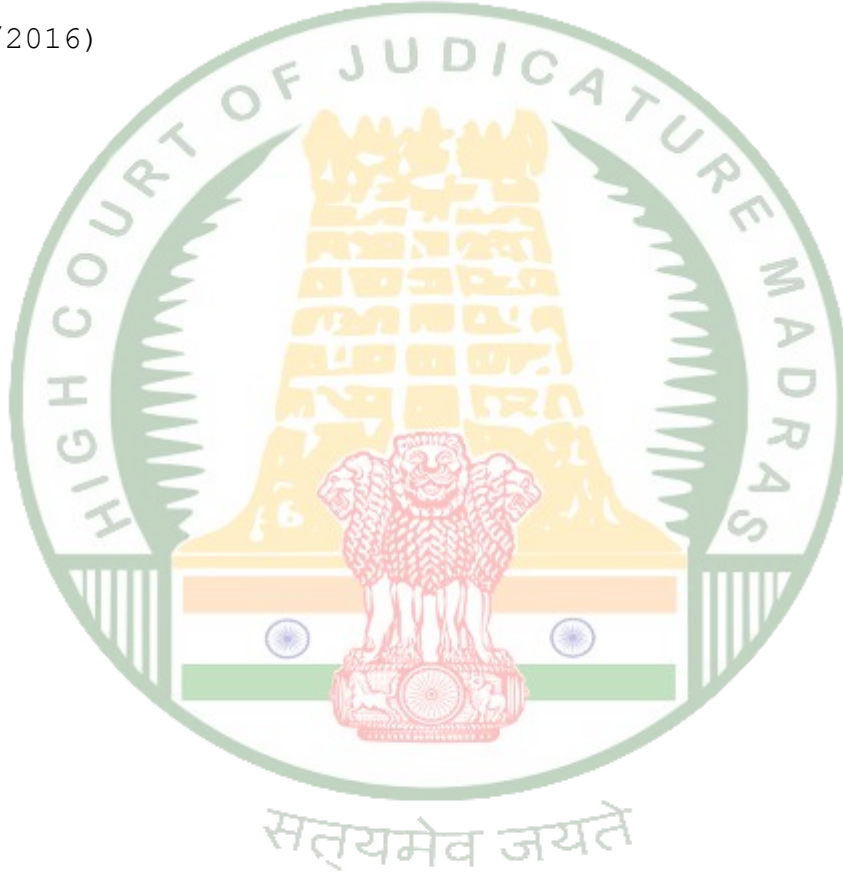
To

The District Collector,
Krishnagiri District.

+1cc to the Government Pleader Sr.8872
+1cc to Mr.P.M.Duraisamy, Advocate sr.8620

W.P.No.32684 of 2012

msm(CO)
srg(19/02/2016)



WEB COPY