

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.29262 of 2016
and WMP.No.25297 of 2016

D.Muthulakshmi

.. Petitioner

vs.

- 1.The District Collector,
O/o. Of the District Collector,
Coimbatore District.
- 2.The Commissioner of Police,
Coimbatore City.
- 3.The Assistant Director,
Survey and Land Records Department,
Coimbatore-18.
- 4.The Revenue Divisional Officer,
Coimbatore Taluk.
- 5.The Tahsildar,
Coimbatore Taluk.
- 6.The Inspector of Police,
L&O, Saibaba Colony Police Station,
Coimbatore-641 001.

7.M.Ravi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 6 herein from interfering with the petitioner's property situated at Coimbatore Registration District, Gandhipuram Sub-Registration, Coimbatore Taluk, Sanganur Village in Survey No.217/3(part) measuring 1040 sq.ft. with RCC building and right to use pathway measuring 10 x 65 feet on north-western portion along with the building over it.

For Petitioner : M/s.I.Abrar MD Abdullah

For Respondents: Mr.R.Govindasamy,
Special Govt. Pleader for R1 to R6

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims to be the owner of property situated at S.F.No.390/1 in T.S.Ward No.12, T.S.No.217(3) (Part) in site No.3, Sangnur Village, Coimbatore and according to him, the second respondent, with the help of the respondents 5 and 6, trying to interfere with her peaceful possession and enjoyment without any recourse to law and therefore, he was constrained to submit a representation dated 10.08.2016 to the first respondent and despite the receipt of acknowledgement of the same, no orders have been passed and hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that even assuming without admitting that the seventh respondent has given her application for survey and measurement of the alleged disputed property, duty is cast upon the fifth respondent to issue notice to the petitioner and thereafter survey and measure the land in her presence or in the presence of her authorized representative and without doing so, all of a sudden barging into the petitioner's property and causing disturbance and in that process, trying to dispossess the petitioner and prays for appropriate orders.

4. Per contra, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 to 6 would contend that the petitioner is making serious allegations against the officials and the Suit in O.S.No.562/2016 filed by her on the file of District Munsif Court, Coimbatore against the seventh respondent for the relief of declaration and other reliefs is pending and having failed to secure any interim orders, had chosen to make false and frivolous allegations and prays for dismissal of this writ petition.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the first respondent to consider and dispose of the petitioner's representation dated 10.08.2016 in accordance with law, after putting on notice the respondents 5 and 7 and pass orders within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 5 and 7.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The District Collector,
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- 6.The Inspector of Police,
L&O, Saibaba Colony Police Station,
Coimbatore-641 001.

1 cc to M/s.I.Abrar MD Abdullah, Advocates, sr.49049

mpi co
kra 14.09.2016

W.P.No.29262 of 2016