

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.7574 of 2016
and
W.M.P.No.6810 of 2016

C.Subanandhan

...Petitioner

-Vs-

1.The District Collector,
Coimbatore District,
Coimbatore.

2.Project Director/Additional Director
District Rural Development Agency DRDA,
District Collectorate,
Coimbatore - 641 018.

3.P.Varadharaj Sekar
4.S.Kumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.02.2016 for not to interfere with the possession and enjoyment of the petitioner's property of an extent of 2.37 Acres in S.No.170/1A, Periya Negamam Village, Pollachi Taluk, Coimbatore District illegally.

For Petitioner : Mr.V.Ravi

For Respondents: Mr.R.Govindasamy,

Special Government Pleader [R1 & R2]

Mr.R.Nandakumar [R3 & R4]

ORDER

The petitioner claims that he is the owner of 2.37 acres of agricultural land in S.No.170/1A in Periya Negamam Village, Pollachi Taluk, Coimbatore District and had planted coconut trees in doing agricultural operations. It is further stated by the petitioner that the respondents 3 and 4, due to some compulsion, had influenced the second respondent for laying a road through his land and accordingly, on 10.02.2016, officials attached to the office of the second respondent came for that purpose and immediately, the petitioner has submitted a

representation dated 15.02.2016 to the first respondent praying for appropriate protection and orders and despite the receipt of the same, no orders have been passed and hence, came forward to file this Writ Petition.

2. This Court, while entertaining this Writ Petition, on 01.03.2016 has granted status quo as on that date and it has been extended periodically.

3. The learned counsel appearing for the petitioner would submit that the petitioner was also issued with patta and since at the instance of the respondents 3 and 4, the official attached to the second respondent without recourse to law, attempted to lay a road on the said land, the petitioner is constrained to approach this Court by filing this Writ Petition.

4. Per contra, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner instead of filing a civil suit, has erroneously stated as if the second respondent has acted at the instance of the respondents 3 and 4 and therefore, this Writ Petition is highly misconceived.

5. The learned counsel appearing for the respondents 3 and 4 would submit that the land in question belongs to the Government and on instructions would submit that the respondents 3 and 4 are not disturbing the alleged possession of the petitioner in respect of the lands in question.

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

7. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 15.02.2016, in accordance with law after putting on notice the respondents 3 and 4 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs. Interim order is vacated and W.M.P.No.6810 of 2016 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Coimbatore District,
Coimbatore.

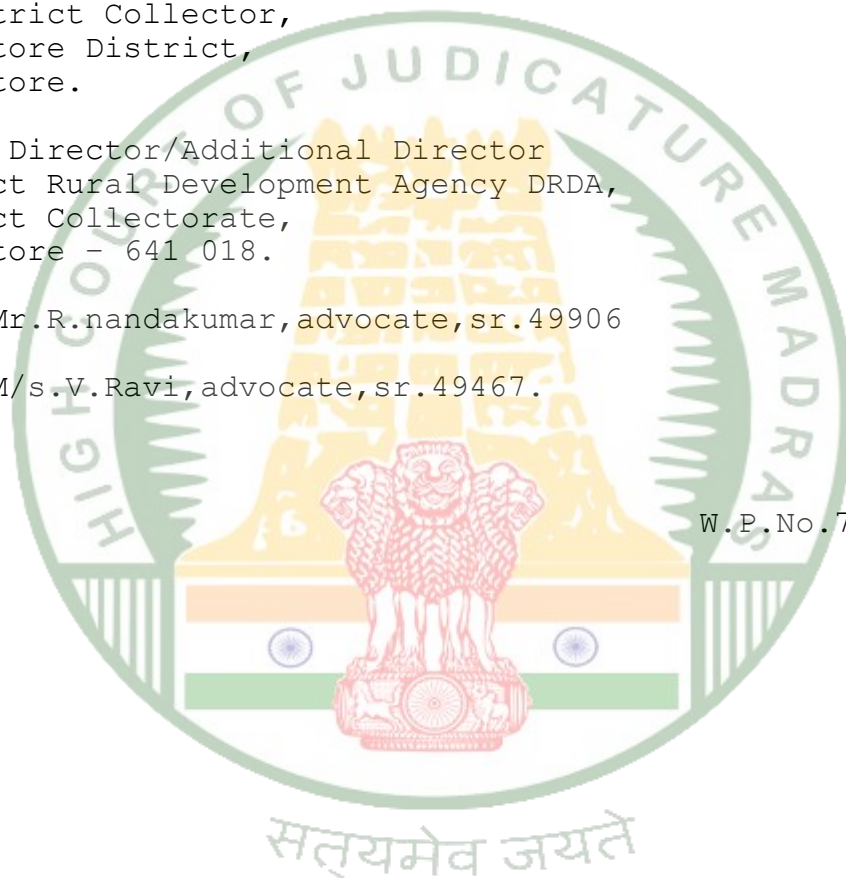
2.Project Director/Additional Director
District Rural Development Agency DRDA,
District Collectorate,
Coimbatore - 641 018.

+1 cc to Mr.R.nandakumar,advocate,sr.49906

+1 cc to M/s.V.Ravi,advocate,sr.49467.

nm(co)
krd 23/9

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