

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.9748 of 2016

Karammal

... Petitioner

Vs.

1 The District Collector
Coimbatore District
Coimbatore

2 The Tahsildar
Mettupalayam Taluk
Coimbatore District

3 The Village Administrative Officer
No.4, Kemmarampalayam Village
Mettupalayam Taluk
Coimbatore District

4 The President
Kemmarampalayam Panchayat
Karamadai Panchayat Union
Mettupalayam Taluk
Coimbatore District

5 Ummappah Gowder

6 B. Kandasamy ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to respondents 1 to 4 to remove the encroachment by respondents 5 and 6 in S.F. No.569/1, which is a public road within a stipulated time.

For petitioner Mr. Mukund for Mr. V. Sivakumar

For RR 1 to 3 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R4 Mr. Suryanarayanan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 3. Mr. Suryanarayanan, learned counsel, accepts notice for the fourth respondent. Notice to the other respondents is dispensed with at this stage, inasmuch no order prejudicial to their interest is passed in this writ petition.

2 This writ petition is filed seeking a writ of mandamus directing respondents 1 to 4 to remove the encroachment made by respondents 5 and 6 in S.F.No.569/1, Kemmarampalaym Village, Mettupalayam Taluk, Coimbatore District, which is a public road, within a stipulated time.

3 Seeking an identical relief, the petitioner has filed a writ petition earlier in W.P. No.6291 of 2015, which has been disposed by a learned Single Judge vide order dated 09 March 2015 in the following terms:

"4. Though the petitioner seeks for removal of the encroachment and has named the encroachers in his representation dated 23.10.2014, they have not been impleaded as party respondents in this writ petition. Hence, no positive direction, as sought for by the petitioner, can be granted. However, since the representation is pending before the 2nd respondent, the 2nd respondent shall consider the same on merits and in accordance with law, after issuing notice to the petitioner as well as to the alleged encroachers, as expeditiously as possible."

4 According to the learned counsel for the petitioner, the order passed by the learned Single Judge is not complied with by the authorities. Hence, the instant writ petition.

5 We are afraid that this writ petition is not maintainable for the same relief which has been considered and an order passed, as aforestated. However, liberty is reserved to the petitioner to take recourse to the appropriate forum.

The writ petition stands dismissed with the above observation. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
Coimbatore District, Coimbatore.
- 2 The Tahsildar,
Mettupalayam Taluk, Coimbatore District.
- 3 The Village Administrative Officer,
No.4, Kemmarampalayam Village,
Mettupalayam Taluk, Coimbatore District.
- 4 The President,
Kemmarampalayam Panchayat,
Karamadai Panchayat Union,
Mettupalayam Taluk,
Coimbatore District.

+1cc to Mr.V.Sivakumar, Advocate, S.R.No.17876
+1cc to Mr.D.Suriya Narayanan, Advocate, S.R.No.17666
+1cc to the Government Pleader, S.R.No.17390

W.P. No.9748 of 2016

svi(CO)
srg(28/03/2016)

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