

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.31512/2017

P.Eswari

.. Petitioner

Versus

1.The District Collector
Gopalapuram, Coimbatore 641 018.

2.The District Revenue Officer,
Gopalapuram, Coimbatore 641 018.

3.The Revenue Divisional Officer (South),
Coimbatore Gopalapuram, Coimbatore 641 018.

4.The Tahsildar
Sulur Taluk Coimbatore District 641 402.

5.The Executive Officer,
Town Panchayath Office Sulur Coimbatore
District 641 402.

6.M.Balakrishnan

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 1st to 5th respondents to remove the encroachment in Karuppa Boyar Street common pathway [Government Land] in comprising Old Survey No.422/Part New Survey No.720/9 measuring 014 Ares situated at Sulur Town Panchayat and Taluk, Coimbatore District within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju
For RR 1 to 5 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 5.

2 The petitioner claims to be a resident of Karuppa Boyar Street, Sulur, Coimbatore District and according to him, he and his neighbour Tmt.K.Annakodi and the other residents

are using the Karuppa Boyar Street common pathway which is classified as Government land comprised in Old Survey No.422 [Part], New Survey No.720/8,9,10 to reach their dwelling houses. The grievance expressed by the petitioner is that the 6th respondent had illegally encroached upon the part of the said common pathway and had put up a new construction without planning permission and authorisation whatsoever and in this regard, the petitioner along with Tmt.K.Annakodi has submitted a representation dated 06.06.2017 to the 4th respondent and in spite of receipt and acknowledgment, no action has been taken so far and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the representation was also marked to the Collectorate, Coimbatore District, who vide Memorandum in O.Mu.No.11895/2017/A2 dated 04.07.2017, has directed the 4th respondent to take appropriate action and inform the same to their office as well as to the petitioner and despite lapse of nearly four months, no action has been taken so far to address the grievance of the petitioner and the petitioner is constrained to approach this Court by filing the above writ petition.

4 Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 5 would submit that the 4th respondent would take appropriate action in the light of the Memo dated 04.07.2017 sent by the office of the 1st respondent.

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

6 Though the petitioner has 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, directs the 4th respondent to act on the Memorandum dated 04.07.2017 in O.Mu.NO.11895/2017/A2 sent by the office of the 1st respondent and after putting the 6th respondent on notice, shall consider and dispose of the petitioner's representation dated 06.06.2017 on merits and in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 6th respondent herein.

8 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

AP

To

- 1.The District Collector
Gopalapuram, Coimbatore 641 018.
- 2.The District Revenue Officer,
Gopalapuram, Coimbatore 641 018.
- 3.The Revenue Divisional Officer (South),
Coimbatore, Gopalapuram, Coimbatore 641 018.
- 4.The Tahsildar
Sulur Taluk, Coimbatore District 641 402.
- 5.The Executive Officer,
Town Panchayath Office, Sulur,
Coimbatore District 641 402.

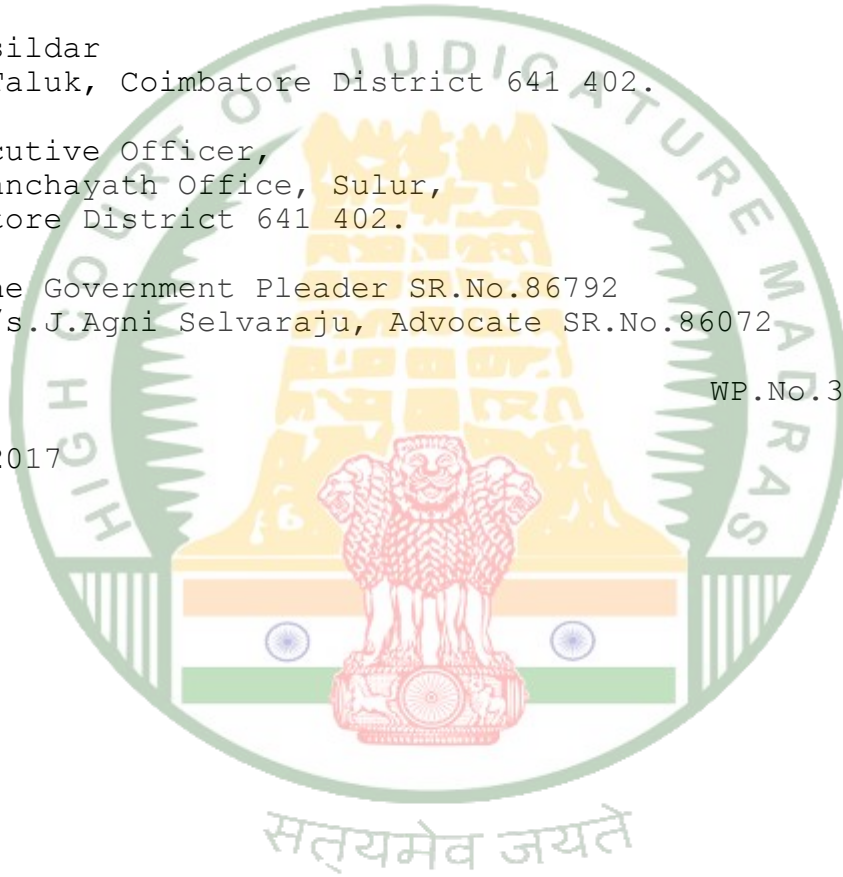
+1cc to the Government Pleader SR.No.86792

+1cc to M/s.J.Agni Selvaraju, Advocate SR.No.86072

WP.No.31512/2017

SS (CO)

sm:21.12.2017



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