

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.23999/2017

M.Radhakrishnan

Petitioner

vs

1.The District Collector
Collectorate, Coimbatore-641018.

2.The Commissioner
Coimbatore Corporation,
Coimbatore 641018.

3.The Diamond City Developers [India] Pvt.Ltd
rep.by its Managing Director, G.Viswanathan
Indisil House, 2nd Floor, 103-107, TVS Samy Road
West, RS Puram, Coimbatore 641 002. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to inspect the water poramboke Government land as well as to remove the encroachments in SF.No.379/1, SF.No.379/2 which is situated at Panaimarathur Tank, Kumarapalayam Village, Perur Taluk, Coimbatore District.

For Petitioner : Mr.P.Saravanan

For Respondent : Mrs.M.E.Rani Selvam, AGP for R1
Mr.S.Saravanan, for R2

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.S.Saravanan, learned Standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner would state that he is a resident of Kumarapalayam village and in that area, nearly thousand families are residing and the land in S.No.379/2 is classified as "Water Poramboke" and it belongs to the 2nd respondent - Corporation and it is now used as a Park. The petitioner would further aver that the 3rd respondent had started putting up a construction for residential purposes on the said land and alleging encroachment on the part of the 3rd respondent, the Ward Councilor has submitted a representation on 30.12.2016 to the 1st respondent and it is followed by yet another representation submitted by the petitioner dated 15.06.2017 to the jurisdictional Tahsildar and the reminder representations dated 07.07.2017 and 10.07.2017 respectively have also been submitted to the respondents 1 and 2 and in spite of receipt and acknowledgment, so far no action has been taken and the 3rd respondent is merrily proceeding with the unauthorised construction and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents, especially, the photographs available at page Nos.9 to 11 of the typed set of documents and would submit that the 3rd respondent is putting up a Multi-Storeyed building by way of an encroachment on the land classified as "Water Body" and despite submission of very many representations, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the 1st respondent and Mr.S.Saravanan, learned Standing counsel appearing for the 2nd respondent and also perused the materials placed before it.

5 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 either in his representations or in this writ petition, directs the respondents 1 and 2 to put the 3rd respondent on notice and thereafter, consider and dispose of the petitioner's representations dated 07.07.2017 and 10.07.2017 respectively on merits and in accordance with law and pass appropriate orders within a period of ten 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 3rd respondent herein.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Collectorate, Coimbatore-641018.

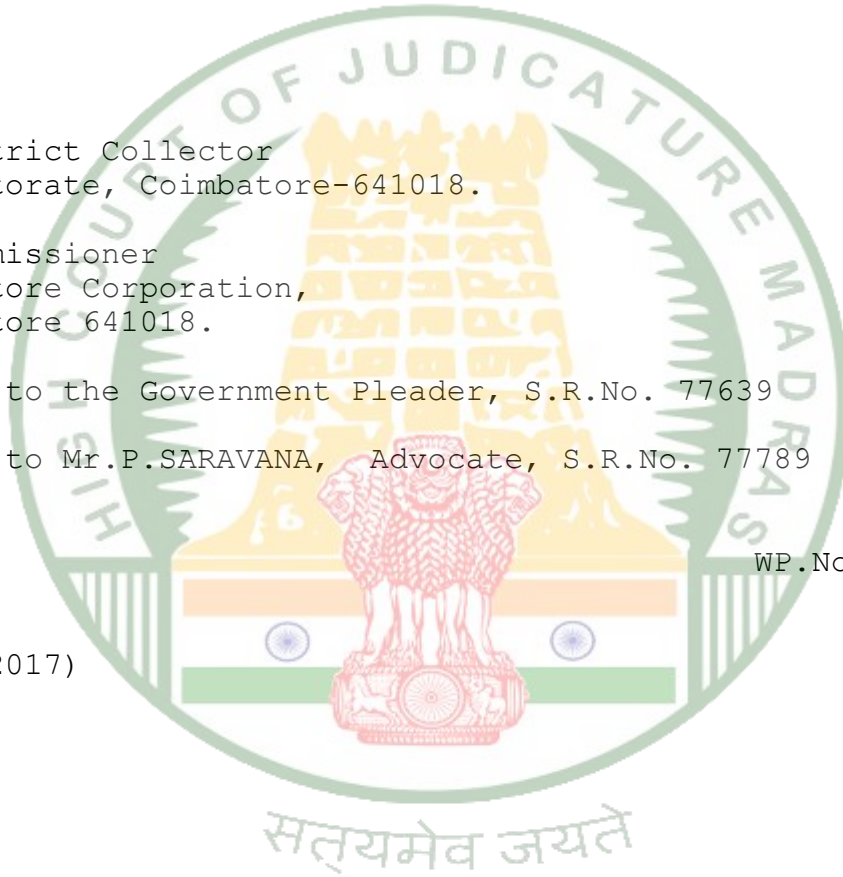
2.The Commissioner
Coimbatore Corporation,
Coimbatore 641018.

+1cc to the Government Pleader, S.R.No. 77639

+1cc to Mr.P.SARAVANA, Advocate, S.R.No. 77789

WP.No.23999/2017

TR(27/11/2017)



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