

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.27235 of 2017 & WMP.No.29089 of 2017

M.Sokkalingam

... Petitioner

vs

1. The District Collector
Coimbatore District,
Coimbatore.
2. The Superintendent of Police
Coimbatore District, Coimbatore.
3. The Tahsildar
Coimbatore North Taluk
Coimbatore.
4. The Executive officer
Somayanpalayam Village
Kaalappa Nayakken Palayam
Coimbatore.
5. Shanthi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the 3rd and 4th respondents herein to conduct enquiry considering the representation preferred by the petitioner dated 07.10.2017 and remove the encroachment made by the 5th respondent in the land belonged to the 4th respondent Panchayat situate in front of the petitioner's land bearing Survey No.186/1A measuring in extent of 7 cents situate at Somayampalayam Village, Coimbatore North Taluk, Coimbatore within the time frame that may be stipulated by this Court.

For Petitioner : Mr.Ar.L.Sundaresan, Sr.Counsel
assisted by Mr.M.Venkadeshnan

For R1 to R4 : Mr.M.Digvijay Pandian,
Additional Government Pleader

ORDER

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

By consent, the writ petition itself is taken up for final disposal. Mr.M.Digvijay Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2. The petitioner, in the affidavit filed in support of this writ petition would aver among other things that he is the owner of the land admeasuring to an extent of 7 cents comprised in Survey No.186/1A, Somayampalayam Village, Coimbatore North Taluk, Coimbatore District and it is located in the Main Road between Navanoor Privu [Junction] to Kanuvai. The petitioner claims that he is the Distributor of Wall Paints and he is maintaining the godown for storing the articles. The petitioner would further aver that right in front of his premises, a temporary shed with a thatched roof covering has been put up by the 5th respondent and during night hours, the said shed is being used by the anti-social elements for carrying on nefarious activities. The petitioner, on enquiry, came to know that the land on which the said illegal structure has been put up by the 5th respondent, belongs to the 4th respondent and the petitioner in this regard, has also submitted a representation dated 07.10.2017 to the respondents 1 to 4 and despite receipt and acknowledgment, so far no action is taken to abate the nuisance and illegality and hence, came forward to file the present writ petition.

3. Mr.Ar.L.Sundaresan, learned Senior Counsel assisted by Mr.M.Venkadeshnan, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents, especially, the photographs and would submit that the 5th respondent is acting in an illegal manner, has put up a temporary shed, which is being used by anti-social elements for nefarious activities and though it has been brought to the knowledge of the concerned authorities/ respondents, so far no action is taken and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4. The Court heard the submissions of the learned Additional Government Pleader appearing for the respondents 1 to 4 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 in to the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 3 and 4 to put the petitioner as well as the 5th respondent on notice and thereafter, consider

and dispose of the petitioner's representation dated 07.10.2017 on merits and in accordance with law and pass appropriate 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 as well as to the 5th respondent herein.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Coimbatore District,
Coimbatore.
2. The Superintendent of Police
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3. The Tahsildar
Coimbatore North Taluk
Coimbatore.
4. The Executive officer
Somayanpalayam Village
Kaalappa Nayakken Palayam
Coimbatore.

+1cc to Mr.M.Digvijayapandian, Advocate, S.R.No.75370
+1cc to Mr.M.Venkadeshnan, Advocate, S.R.No.74905
+1cc to the Government Pleader, S.R.No.75272

GJ(CO)
CA(10/11/2017)

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