

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.28139 of 2017

P.Atheeswaran ... Petitioner

Vs.

1.The District Collector
District Collector Office,
Coimbatore - 641 018.

2.The Sub Collector
Sub Collector Office
Pollachi, Coimbatore - 642 001.

3.The Tahsildar
Kinathukadavu Taluk Office,
Kinathukadavu Taluk,
Coimbatore - 642 109.

4.Pushpa Devi
W/o.Vanniappan ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the third respondent to act upon the direction given by the second respondent in Na.Ka.No.1277/2017/Aa1 dated 27.06.2017, based on the representation given by the petitioner dated 14.06.2017 and 17.07.2017 and further directs the third respondent to remove encroachment in S.N.439/24,25,26 and restore the three housing sites so as to enable to get beneficiaries order the scheme.

For Petitioner
For Respondents

: Mr.C.Vediappan
: Mrs.M.E.Raniselvam
Additional Government Pleader

O R D E R

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

By consent, the writ petition is taken up for final disposal. Mrs.E.Raniselvam, Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2. The petitioner claims to be the resident of Kattampatty Village, Kinathukadavu Taluk, Coimbatore District and according to him, the Government had allotted free housing scheme in Periyakalandai Village in Survey No.439 (Grama Natham) and accordingly, layout was formed and approved layouts have to be allotted to the beneficiaries and that a portion in the said layout was also reserved for public purpose.

3. The petitioner would aver that twenty three beneficiaries were identified and were allotted plots, and they have constructed the houses in their respective allotments and one among them is the fourth respondent. It is the specific case of the petitioner that the fourth respondent tried to encroach upon three house sites in S.No.439/24,25,26, which are yet to be allotted and in this regard, the petitioner had submitted a representation dated 17.07.2017 to the first respondent on the grievance day, and it was forwarded to the second respondent, who, vide proceedings in Oo.Mu.No.2561/2016/AA1 dated 01.11.2016, had directed the third respondent to take action on the said representation and inform the same to the petitioner with a copy marked to their Office. It is also submitted by the petitioner that since no response was forthcoming to the correspondence of the second respondent dated 01.11.2016, the second respondent, vide his proceedings Na.Ka.No.1277/2017/AA1 dated 27.06.2017, has further directed the third respondent to initiate action to remove the encroachment and the action taken may be informed to the petitioner as well as to the second respondent.

4. The petitioner had also obtained information under the Right to Information Act, and as per the said information, it appears that attempts made by the fourth respondent to put up construction in the said lands have also been prevented. The grievance now expressed by the petitioner is that no progress is taking place despite the memo dated 01.11.2016 and the proceedings dated 27.07.2016, sent by the Office of the second respondent to the third respondent and hence, the petitioner came forward to file this writ petition.

5. The learned counsel appearing for the petitioner would submit that it would be suffice to direct the third respondent

to act on the memo and the proceedings of the second respondent dated 01.11.2016 and 27.06.2017 respectively.

6. This Court heard the submission of Mr.C.Vediappan, learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondents 1 to 3.

7. Though the petitioner prays 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 third respondent to put the fourth respondent on notice and there upon act on the proceedings dated 27.06.2017 in Na.Ka.No.1277/2017/AA1 issued by the second respondent and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the fourth respondent.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector
District Collectorate Office,
Coimbatore - 641 018.

2.The Sub Collector
Sub Collector Office
Pollachi
Coimbatore - 642 001.

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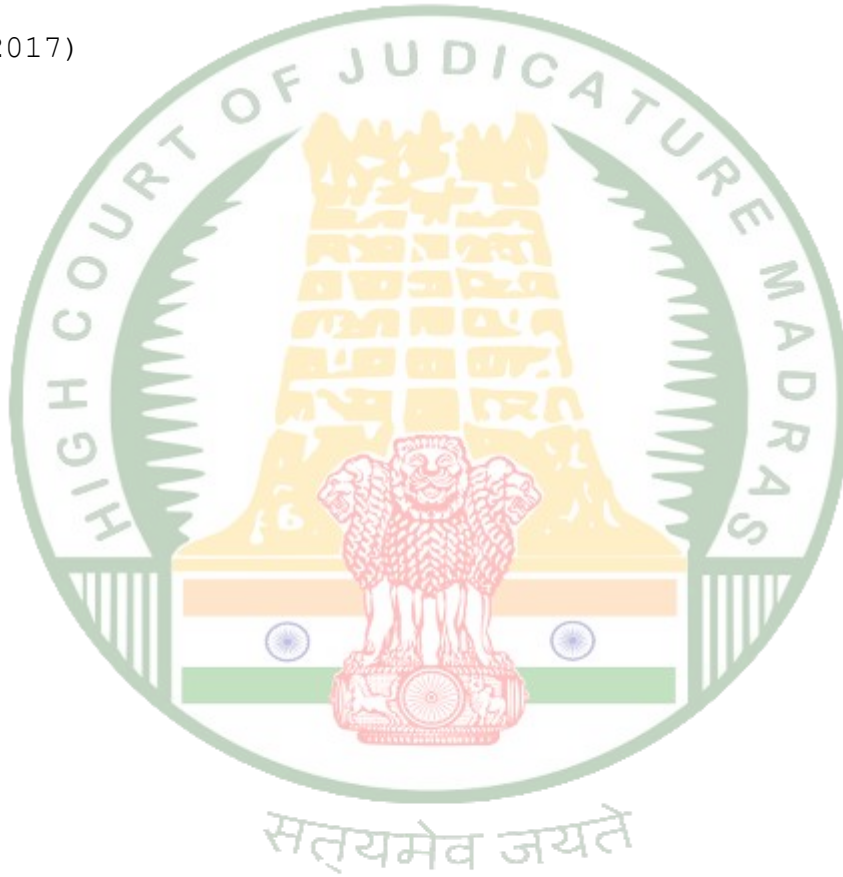
3.The Tahsildar
Kinathukadavu Taluk Office,
Kinathukadavu Taluk,
Coimbatore - 642 109.

+1cc to Mr.C.VEDIAPPAN Advocate, S.R.No. 79087/17

+1cc to the Government Pleader, S.R.No. 79911 & 80944/17

W.P.No.28139 of 2017

TR(27/11/2017)



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