

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.35930 of 2015

M.G.R.Nagar Welfare Association,
rep. by its Secretary Mageshwaran,
No.63/34C, M.G.R. Nagar 3rd Street,
Sidco post,
Coimbatore-641 021.

.. Petitioner

-vs-

- 1.The Commissioner,
Corporation of Coimbatore South Zone,
Coimbatore.
- 2.The Tahsildhar,
Madukarai,
Coimbatore.

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to comply the order passed by the second respondent in relation to Oo.Mu.1344/2015/A5 dated 17.07.2015 to remove the encroachments and pass appropriate orders within the time fixed by this Hon'ble Court.

For Petitioner

: No Appearance

For Respondents

: Mr.R.Sivakumar for R1
Mr.T.N.Rajagopalan
Spl. G.P. for R2

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner welfare association sought action against the alleged encroachments on the basis of the order passed by

respondent No.2/Tahsildar dated 17.07.2015.

2. A perusal of the said communication from the Tahsildar to the Municipal Commissioner, South Zone, Coimbatore would show that spot inspection was carried out and it was found that one of the house owners had encroached upon the southern portion of the temple land, put up a lavatory and two coconut trees and it was agreed to vacate the encroachments shortly. Similarly in respect of the road, there was a house constructed thereon and action for removal of the encroachment was recommended.

3. On our query, as usual, the stand of the first respondent Corporation is that since the matter was pending, nothing was done. This is hardly an acceptable stand, as the matter is pending on grievance of taking no action.

4. We call upon the first respondent to take steps in accordance with law for removal of any encroachment, after notice to all concerned and conclude the proceedings within a maximum period of three months of the receipt of the copy of this order.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

bbr

To

1.The Commissioner,
Corporation of Coimbatore South Zone,
Coimbatore.

2.The Tahsildhar,
Madukarai,
Coimbatore.

+1cc to Government Pleader, sr.118

+1cc to Mr.Veeraraghavan, Advocate sr.721

+1cc to Mr.R.Sivakumar, Advocate sr.360

W.P.No.35930 of 2015

nrjk(co)
ss(19/01/2017)