

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.7803 of 2018 and WMP.No.9714 of 2018

V.Raghuram .. Petitioner

Versus

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

2.The Sub Collector,
Sub Collector Office
Pollachi - 642 002.

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

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus forbearing the Respondents herein from converting the classification of the land comprised in SF No.204C/1B, Mettupalayam Village, Pollachi, from "Cart Track" (Vandi Paathai) to any other category.

For Petitioner : Mr.Mr.M.S.Krishnan,
Senior Counsel
for M/s.Sarvabhauman Associates

For Respondents : Mr.T.M.Pappaiah,
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal.

2. Mr.T.M.Pappaiah, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3.

3. The petitioner claims that he is the owner of the properties, being a house site, admeasuring to an extent of 3224 Sq.ft comprised in S.F.No.204/C2C and S.F.No.355/1C in Mettupalayam Village, Kinathukadavu Taluk and those properties were purchased by him under two registered Sale Deeds bearing document Nos.533 of 2016 and 4760/2016 dated 27.01.2016 and 11.07.2016 respectively.

4. The petitioner would further aver that his properties are accessible from its southern side from the cart track comprised in SF.No.204C/1B and entries in the 'A' Register also evidenced the said fact. It is also stated by the petitioner that his wife is also running a hospital under the name and style of RR Clinic on another piece of land belonging to him and it is a specific case that there is a old Vinayagar temple on the main road and on account of the expansion of National Highways, it has been decided to remove the said temple and steps are being taken to relocate the same on the Cart track/pathway comprised in survey No.204C/1B.

5. The petitioner in this regard has submitted a representation dated 28.03.2018 to the respondents pointing out the said fact and requesting them to take appropriate action to prevent the relocation/construction of the vinayagar temple on the cart track in the said survey number and in spite of receipt and acknowledgment, no action has been taken to prevent such illegality and therefore, he is constrained to approach this Court.

6. Mr.M.S.Krishnan, learned senior counsel assisted by Mr.S.Siva Sankar, learned counsel for the petitioner has invited the attention of this Court to the typed set of documents, especially to the "A" Register pertains to the said village and would submit that as per entries made, the land in Survey No.204C/1B is classified as "Cart Track" and as such, it is not open to anybody to put up a temple, obstructing the use of the said pathway by the petitioner as well as by the respondents of the locality and since the representation submitted in this regard, the petitioner failed to invoke any kind of response and he is constrained to approach this Court by filing the present

writ petition.

7. Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the respondents would submit that necessary survey and inspection would be carried out by the 3rd respondent and depending upon the result of the same, further action will be taken.

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

9. This Court taking into consideration of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to cause inspection of the land in Survey No.204C/1B, Mettupalayam Village, Pollachi Taluk, Coimbatore District within a period of two weeks from the date of receipt of copy of this order and depending upon the survey and inspection, shall take immediate and appropriate action in accordance with law, in the event of any encroachment being found / attempts are being made to encroach upon the said land within a further period of eight weeks thereafter and communicate the decision taken to the petitioner as well as to the persons concerned.

10. The writ petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka/sk

To

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

2.The Sub Collector,
Sub Collector Office
Pollachi - 642 002.

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

+1 cc to the Govt pleader High Court Madras sr 25660
+1 cc to M/s.Sarvabhauman Associates sr 25057

WP.No.7803/2018

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