

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2756 of 2018
and
WMP.Nos.3403 & 3404 of 2018

N.Palanisamy
S/o.Nachimuthu Gounder

.. Petitioner

versus

- 1.The District Collector
Tiruppur
Tiruppur District.
- 2.The Secretary
Adi Dravidar and Tribal Welfare (Land Acquisition)
Collectorate Office
Palladam Road,
Tiruppur.
- 3.The Special Tashildar (Land Acquisition)
Adi Dravidar and Tribal Welfare (Land Acquisition)
Collectorate Office
Palladam Road,
Tiruppur.
- 4.The Assistant Executive Engineer
TADHCO, Divisional Office
ATT Colony, Balasundaram Road,
Pappanaicken Palayam
Coimbatore.
- 5.The Tashildar
Tiruppur South Taluk
Tiruppur South Taluk Office
Sevanthampalayam
Muthanampalayam
Tiruppur District.
- 6.The Village Administrative Officer
Muthanampalayam Village
Tiruppur Taluk and District.

7.The Taluk Surveyor
Tiruppur South Taluk
Tiruppur South Taluk Office
Tiruppur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents 1 to 7 from construction of Government School Laboratory or Government School building or anything on the petitioner land comprised in S.No.485/1 (Sub divided as S.No.485/1A) situated at Muthanampalayam Village, Palladam Taluk, Tiruppur, Tiruppur District, by considering representation dated 11.01.2018.

For Petitioner: Mr.K.Myilsamy

For Respondents: Mr.D.Suriyanarayanan

Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claiming to be the owner of the property at S.No.485/1 measuring to an extent of 1.07 acres, situated at Muthanampalayam Village, Palladam Taluk, Tiruppur, Tiruppur District, has filed the present writ petition with the grievance that the respondents under the guise of constructing Government School Laboratory at S.No.485/2, are trying to put up some construction, by encroaching into the petitioner's property situated at S.No.485/1. In other words, the petitioner is not having any grievance or objections, if such construction is put up at S.No.485/2 of Muthanampalayam Village, Palladam Taluk, Tiruppur, Tiruppur District. Ventilating such grievance, the petitioner has made repeated representations and last of one was given on 11.01.2018. It is stated that the said request of the petitioner has not been considered so far.

3. The learned counsel for the petitioner submitted that if proper survey and measurement are done in respect of S.No.485/1 and 485/2, situated at Muthanampalayam Village, Palladam Taluk, Tiruppur, Tiruppur District, the respondents will be in a position to know as to how they have encroached upon the petitioner's land while putting up the above said construction.

4. This Court, at this stage, is not expressing any view on the merits made by the petitioner, as it is for the respondents, more particularly, the fifth respondent to consider the

grievance of the petitioner. Accordingly, this writ petition is disposed of, by directing the fifth respondent to consider the grievance of the petitioner made through his representation dated 11.01.2018 and pass appropriate orders, after giving due opportunity of hearing to the petitioner and the other interested persons in respect of such construction of the school building. If necessary, the fifth respondent can carry out the exercise of survey & measurement with the help of the Taluk Surveyor namely, seventh respondent herein as well. The whole exercise shall be done by the respondents 5 and 7 within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1.The District Collector
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Tiruppur District.
- 2.The Secretary
Adi Dravidar and Tribal Welfare (Land Acquisition)
Collectorate Office
Palladam Road,
Tiruppur.
- 3.The Special Tashildar (Land Acquisition)
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6.The Village Administrative Officer
Muthanampalayam Village
Tiruppur Taluk and District.

7.The Taluk Surveyor
Tiruppur South Taluk
Tiruppur South Taluk Office
Tiruppur District.

+ 1 cc to Mr.K.Myilsamy Advocate,SR.9902

+ 1 cc to The Govt.Pleader, SR.10315

W.P.No.2756 of 2018

ks(co)
nr 05/03/2018



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