

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.16495/2018 7 WMP.no.19697/2018

1.Tmt.Maragatham  
2.Tmt.Subbathal

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Petitioners

Versus

1 The Special Officer  
Malumichampatti Panchayat  
Malumichampatti  
Coimbatore District.

2 The Assistant Director [Panchayats]  
Office of District Collector  
Coimbatore District.

3 The District Collector  
Coimbatore, Coimbatore District.

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment in SF.No.25/1A1 at Malumichampatty Village, Coimbatore District, by considering the petitioners' representation dated 31.05.2018.

For Petitioners : Mr.S.Vinothkumar

For RR 1 to 3 : Mr.R.Udhayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

**2** The petitioners claim to be the joint owners of the land admeasuring to an extent of 2.13 acres in SF.No.25/1A1 situate at Malumichampatti village, Coimbatore District and they got the said property through a Partition Deed dated 19.04.2009 and it forms part of the "F" Schedule. It is further averred by the petitioners that out of 2.13 acres of land, they sold 1.90 acres to one Prabhu and retained 23 cents of land and patta also stands in their name. The grievance now expressed by the petitioners is that without acquiring the said property, all of a sudden, the 1st respondent has trespassed into the land and right in the middle of the land, has laid a road. The petitioners, in this regard have submitted a representation dated 31.05.2018 and despite receipt and acknowledgment, no response is forthcoming and hence, the petitioners are constrained to approach this Court by filing the present writ petition.

**4** The Court heard the submissions of the learned counsel for the petitioner and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials placed before it.

**5** This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 1<sup>st</sup> respondent to take the assistance of the jurisdictional Tahsildar and Taluk Surveyor and cause inspection and survey of the said land after putting the petitioners on notice, within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the said inspection and survey, the 1<sup>st</sup> respondent shall take appropriate action in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioners.

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

[MSNJ] [GKIJ]  
05.07.2018

Internet : Yes  
AP

M.SATHYANARAYANAN, J.,  
AND  
G.K.ILANTHIRAIYAN, J.,

AP

To

- 1 The Special Officer  
Malumichampatti Panchayat  
Malumichampatti  
Coimbatore District.
- 2 The Assistant Director [Panchayats]  
Office of District Collector  
Coimbatore District.
- 3 The District Collector  
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