

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29730 of 2004

M/s.Jai Nagar Resident,
Welfare Socceity represented by its
President B.Balagurusamy,
Jai Nagar,
Vijayapuram Post,
Tiruppur - 641 606.
Coimbatore District.Petitioner

Vs

- 1.The District Collector,
Collectorate Office,
Coimbatore.
- 2.The Executive Officer,
Nallur Municipality,
Nallur,
Tiruppur.Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to resume possession of an extent of 3157.76 Sq. meters of land reserved for public purpose in the Layout No.P/R(CN)No.3/82 dated 23/1/1982 in S.F.No.181, 182 and 183/2 in Nallur Village, Tiruppur Panchayat Union vested with Nallur Municipality.

For Petitioner : No appearance

For Respondents: Mrs.K.Bhuvaneswari, AGP

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O R D E R

The prayer in the present writ petition is for issuance of writ of mandamus directing the respondents to resume possession of the land in S.F.No.181,182 and 183/2 in Nallur Village, Tiruppur Panchayat Union, which is claimed to have been reserved for public purposes in a layout.

2. From the records produced before this Court, it is seen

that the 2nd respondent herein had been advised by the 1st respondent that no constructions should be put up in the subject lands which have been reserved for public purposes. Apart from the same, there is an observation with regard to a notice sent by the 2nd respondent to the encroachers, which has also been challenged before the Civil Court. The decision to stop or remove the encroachments put up in a land reserved for public purposes, would be within the domain of the respondent herein and this Court would not be justified in ordering the prayer sought for in the present writ petition.

3. Nevertheless, if at all the petitioner is still aggrieved against any construction being made in the lands which is reserved for public purposes, it is always open to them to approach the respondents herein ventilating their grievances. After a lapse of more than 15 years, this Court would not be justified in directing the petitioner to consider the representation made by the petitioner in this regard also.

4. In the light of the above observations, no effective orders can be passed in the present writ petition. Accordingly, the writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1. The District Collector,
Collectorate Office,
Coimbatore.

2. The Executive Officer,
Nallur Municipality,
Nallur, Tiruppur.

+1 cc to The Government Pleader, Sr.No. 39120

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CSL/27.06.2019