

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.13946 of 2019

A.Ponnusamy

.. Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore.

3.The Tahsildar,
North Taluk Office,
Coimbatore.

4.A.Rangaraj

5.A.Najaiyan

6.N.Sarojini

7.V.Kuppusamy

8.Settlement Officer cum Deputy Collector,
North Taluk Office,
Coimbatore.

.. Respondents

(R8 - impleaded vide order dated 21.06.2019 made in
W.M.P.No.15952 of 2019)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 3 to remove the encroachments in the Odai Poramboke land which runs from South to North in S.F.Nos.239, 269, 267, 242 and 268 and restore the Odai Poramboke from encroachments for free flow of water and for passage based on the petitioner's representation dated 06.09.2011.

For Petitioner : Ms.K.Vasuki

For Respondents: Mr.S.Kamlesh Kannan,
Government Advocate (R1 to R3 & R8)

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus directing the respondents 1 to 3 to remove the encroachments in the Odai Poramboke which runs from South to North in S.F.Nos.239, 269, 267, 242 and 268 and restore the Odai Poramboke from encroachments for free flow of water and for passage based on the petitioner's representation dated 06.09.2011.

2.The petitioner contended that there are encroachments in the said Survey Numbers, therefore, the authorities should remove the encroachments.

3.The 3rd respondent filed a counter wherein it has been stated that from the Field Inspection Report received from the Firka Revenue Inspector and the Village Administrative Office, Akkaraisengapalli Village, it was revealed that there is no encroachment or thorny bushes or any other obstacles in Survey Nos.239, 269, 264, 265, 267 and 268 to prevent the free flow of water. Further, in the counter affidavit, the 3rd respondent has stated that if at all any obstacles or encroachments are made in the Odai, the Government will take steps to remove the encroachments made in the Plan Marked Odai.

4.Since the Tahsildar has specifically stated that there is no encroachment in the lands in the said Survey Fields, we do not find any reason to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//
Sub Assistant Registrar

va

To

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore.

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3.The Tahsildar,
North Taluk Office,
Coimbatore.

4.The Settlement Officer cum Deputy Collector,
North Taluk Office,
Coimbatore.

+1cc to Mr.K.Vasuki, Advocate, S.R.No.60174
+1cc to the Government Pleader, S.R.No.60263

W.P.No.13946 of 2019

PVS (CO)

RRS (20/08/2019)



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