

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.8834 of 2019

K.Kali
W/o.Kuppan,
S.F.No.58/1B, 59/1B, Thekkampatti Village,
Mettupalayam Taluk,
Coimbatore District Petitioner

vs.

1.The District Collector,
Collectorate,
Coimbatore District.

2.The Tahsildar,
Taluk Office,
Mettupalayam Taluk,
Coimbatore District.

3.The Block Development Officer,
Thekkampatti Village Panchayat,
Thekkampatti Village, Mettupalayam Taluk,
Coimbatore

4.Mathaiyan
5.Sulochana
6.Dhanalakshmi

सत्यमेव जयते....

Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 3rd respondents to initiate suitable action in pursuance of G.O. (Ms) No.540, Revenue (LD6(2)), dated 4.12.2014 to remove the encroachments in S.F.No.56 and S.F.No.57, which situated at No.3, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District, by 4th respondent to 6th respondent.

For Petitioner : Mr.P.Saravanan

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)
for R1 and R2

Mr.Kamalesh Kannan,S.
Government Advocate for R3

Mr.N.Elumalai for R4 to R6

ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)

The petitioner K.Kali, Son of Kuppan, residing at F.No.58/1B, 59/1B, Thekkampatti Village, Mettupalayam Taluk, Coimbatore District, has filed this writ petition seeking a direction to the respondent Public Authorities, viz., the District Collector, Coimbatore; the Tahsildar, Taluk Office, Mettupalayam Taluk, Coimbatore District and the Block Development Officer, Thekkampatti Village Panchayat, Thekkampatti Village, Mettupalayam Taluk, Coimbatore, to initiate action against the private respondents 4 to 6, viz., Mathaiyan, Sulochana and Dhanalakshmi, who have allegedly encroached the land illegally.

2.Mr.Kamalesh Kannan, the learned Government Advocate, upon issuance of notice, has submitted that vide letter dated 30.09.2019 the third respondent-the Block Development Officer, Thekkampatti Village Panchayat, Mettupalayam Taluk, Coimbatore, has intimated to the Tahsildar, Taluk Office, Mettupalayam Taluk, to initiate appropriate legal action in the matter in terms of G.O.Ms.No.540, Revenue [LD6(2)], dated 04.12.2014.

3.The said G.O.Ms.No.540, Revenue [LD6(2)], dated 04.12.2014, has been issued in pursuance of the direction of this Court in the order dated 11.08.2014, in W.P.No.26722 of 2013, wherein remedial mechanism was set forth for redressal of the grievance raised by the aggrieved persons. Since the third respondent-Block Development Officer, Thekkampatti Village Panchayat, Mettupalayam Taluk, has already initiated action in the matter, we are satisfied that the respondent public authorities will take action in accordance with law. Therefore, we close this writ petition with a direction to the respondent public authorities to proceed in accordance with law and take expeditious action in the matter. The petitioner as well as the private respondents shall be free to make their submissions and lead documents before the public authorities, in accordance with law. However, there is no order as to costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

msk

To:

1.The District Collector,
Collectorate,
Coimbatore District.

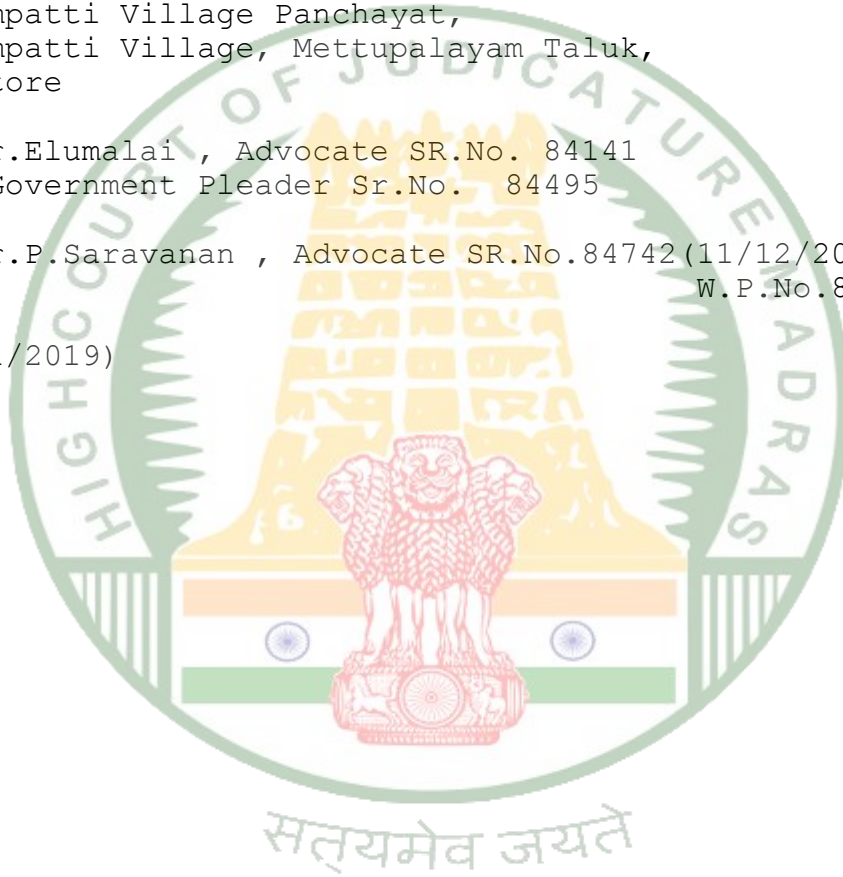
2.The Tahsildar,
Taluk Office,
Mettupalayam Taluk,
Coimbatore District.

3.The Block Development Officer,
Thekkampatti Village Panchayat,
Thekkampatti Village, Mettupalayam Taluk,
Coimbatore

+1cc to Mr.Elumalai , Advocate SR.No. 84141
+1 cc to Government Pleader Sr.No. 84495

+1cc to Mr.P.Saravanan , Advocate SR.No.84742(11/12/2019)
W.P.No.8834 of 2019

mg co
A.SK(05/11/2019)



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