IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29509 of 2019
and W.M.P.No.29376 of 2019

1.K.Lakshmi
2.K.Theniswaran
3.K.Pechi Muthu .. Petitioners

/versus/

1.The District Colletor,
District Collectorate Office,
Coimbatore-641 018

2.The Executive Officer,
Vellalur Nagar Panchayat Office,
Vellalur,
Coimbatore-641 111 .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the septic tank illegally constructed over the petitioner's land situate in Ka.Sa.No.682, Vellalur Village, Coimbatore South Taluk, by considering their representation dated 19.06.2019.

For petitioners : Mr.P.Valliappan
For Respondents : Mr.K.Ravikumar
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents.

2. The grievance of the petitioner is that the land in Ka.Sa.No.682, Vellalur Village, Coimbatore South Taluk measuring an extent of 15 cents was originally purchased by the husband of the 1st petitioner covering sale deeds dated 11.06.1965 and 30.10.1968. The patta was also in the name of V.S.Kuppusamy, H/o of the 1st petitioner. The said Kuppusamy bequeathed the Will in favour of the petitioners herein and the same was registered. On the demise of Kuppusamy, the property dwelled upon the petitioners from 03.11.2009. The petitioners herein state that in their land in Survey No.682, the 2nd respondent has constructed a septic tank and a toilet for the use of public without knowledge of the landlord and without following the procedure of acquisition. Hence, a representation was given to the 2nd respondent dated 19.06.2017

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to remove the septic tank and toilet. Following the representation, the present writ petition is filed for issuance of Mandamus directing the respondents to remove the toilet and septic tank constructed over the land in Survey No.682, Vellalur, Coimbatore, which is owned by the petitioners.

3. After notice, the learned Additional Government Pleader has taken instructions from the respondents and reports that based on the representation given by the petitioners, the Tahsildar of Madukkarai has made field visit and measured the land and found that in Survey No.682 covering patta No.1111 is issued in favour of Mariappan and 71 others. In the said patta, the 1st petitioner husband's name is found in Serial No.35, from whom the petitioners have inherited the property. Since it is found that by inadvertence the septic tank has been constructed in Survey No.682 in the year 2000, the Executive Officer of Vellalur Town Panchayat Special Grade is directed to remove the same and hand over the vacant possession to the patta holders.

4. Recording the submission of the learned Additional Government Pleader, this writ petition is disposed of with a direction to the 2nd respondent to ensure the structures constructed in the land of the petitioner in Survey No.682 be removed and vacant land be handed over to the petitioner. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Rpl

To

1.The District Colletor,
District Collectorate Office,
Coimbatore-641 018

2.The Executive Officer,
Vellalur Nagar Panchayat Office,
Vellalur, Coimbatore-641 111

+1cc to Mr.P.Valliappan, Advocate, S.R.No. 95528
+1cc to the Government Pleader, S.R.No. 96046

W.P.No.29509 of 2019
and W.M.P.No.29376 of 2019

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GN(30/12/2019)

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