

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.9.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.27295 of 2019

M.Eswaramoorthy

Petitioner

Versus

1. The District Collector,
Tiruppur, Tiruppur District.
2. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
3. The Tahsildar,
Avinashi, Tiruppur District.
4. The Sub Registrar,
Avinashi, Tiruppur District.
5. S.Avinashiappan
6. R.Ayyavu
7. M.Ramalingam

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing Respondents 1 to 4 to remove the encroachment made by Respondents 5 to 7 in the public road comprised in Survey Numbers: 341/1, 342/2, 342/3, 342/4, 342/5, 342/6, 343/3A, 343/3B and to provide free flow of rain water to pond comprised in Survey Numbers 180, 341 situated at Pudupalayam, Avinashi Taluk, Avinashi, Tiruppur District by considering the representation dated 7.8.2019.

For petitioner : Mr.K.Myilsamy

For R1 to R3 : Mr.V.Jayaprakash Narayanan,
Govt.Pleader

For R4 : Mr.T.M.Pappaiah, Spl. Govt. Pleader

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The Petitioner, M.Eswaramoorthy son of Muthusamy has lodged a complaint against the alleged encroachment made by the private Respondent Nos.5 to 7 in Survey Nos.341/1, 342/2, 342/3, 342/4, 342/5, 342/6, 343/3A, 343/3B and sought for removal of the same to provide free flow of rain water to pond comprised in Survey Numbers 180, 341 situated at Pudupalayam, Avinashi Taluk, Avinashi, Tiruppur District by considering the representation dated 7.8.2019.

2. Heard Mr.K.Myilsamy, learned counsel for the Petitioner, Mr.V.Jayaprakash Narayanan, learned Government Pleader for Respondents 1 to 3 and Mr.T.M.Pappaiah, learned Special Government Pleader for Respondent No.4.

3. The representation of the Petitioner was filed before the Tahsildar, Avinashi Taluk, Tiruppur District on 7.8.2019 only and the present Writ Petition was filed on 6.9.2019.

4. The learned Government Pleader has brought to our notice G.O.(Ms)No.540 Revenue (LD6(2)) Department dated 4.12.2014, which was issued by the State Government in pursuance of the High Court order in W.P.No.27662 of 2013 dated 11.8.2014 and dated 8.10.2014 providing an alternative mechanism to deal with the complaints of this nature.

5. In view of the alternative mechanism provided in the said G.O. the Petitioner may, at the first instance approach the Tahsildar concerned and avail his remedy under the said G.O. With this observation, the Writ Petition is disposed of. No costs. copy of this order be sent to the Respondents.

Sd/-

सत्यमेव जयते
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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ssk.

To:

1. The District Collector,
Tiruppur, Tiruppur District.

2. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

3. The Tahsildar,
Avinashi, Tiruppur District.

4. The Sub Registrar,
Avinashi, Tiruppur District.

+1 cc to Mr.Myilsamy Advocate sr79770

+1 cc to the Government Pleader sr80760 & 80176

W.P.No.27295 of 2019

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aa01/11/2019



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