

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30274 /2019

P.Nallamuthu

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Petitioner

Versus

1.The District Collector
District Collector Office
Coimbatore 641 018.

2.The Sub Collector
Sub Collector office
Pollachi 642 002.

3.The Tahsildar
Thasildar Office
Pollachi 642 001.

4.The Commissioner
Pollachi Municipality
Palakkad Road
Pollachi 642 001.

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to take necessary steps to remove the encroachment on the 80 feet scheme road forming the southern boundary of the petitioner property and to provide access to his house site.

For Petitioner : Ms.S.Akila

For RR 1 to 3 : Mr.V.Jayaprakash Narayan, GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.V.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the respondents 1 to 3.
- (2) The petitioner is the owner of the vacant house site/plot bearing No.9 in DTCP approved layout, Niranjan Gardens, admeasuring to an extent of 2837 sq.ft., comprised in SF.No.98, of T.Kottampatti Village, Pollachi Taluk, Coimbatore District and on the plot, he proposed to build a superstructure and also obtained the sanctioned plan/permission. The grievance expressed by the petitioner is that on the southern boundary, there exist a 80 feet Scheme Road and some private persons has already started constructing unauthorised religious structure in the form of temple and in the event of the temple come into being, his access to the property will be totally curtailed and denied. The petitioner, right from June 2019 started giving representations and despite receipt and acknowledgment, no action whatsoever, has been taken by the official respondents and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (3) The learned counsel for the petitioner has also invited the attention of this Court to the communication emanated from the office of the 1st respondent to the 3rd respondent vide Memo dated 17.07.2019 in O.Mu.No.13804/2019/A2 and would submit that already appropriate instructions have been given to the said official to follow G.O.Ms.No.540, Revenue Department and take appropriate action as to the removal of the encroachment.
- (4) This Court has considered the arguments advanced by the learned counsel for the petitioner and also perused the materials placed before it.
- (5) This Court taking into consideration, the above facts and circumstances as well as the arguments advanced by the learned counsel for the petitioner and without going into the merits of the claim projected by him either in his representations or in this writ petition, directs the respondents 3 and 4 to cause inspection of the 80 feet Scheme Road in S.No.98, T.Kottampatti Village, Pollachi Taluk, Coimbatore District, viz., Niranjan Gardens, within a period of two weeks from the date of receipt of a copy of this order, after putting on notice, the petitioner as well as the person/s concerned and depending upon the result of the inspection, shall take immediate and appropriate action in accordance with law within a further period of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

(6)The writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

AP

To

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+1cc to M/s.Sarvabhauman Associates, Advocate SR.No.88436

+1cc to Government Pleader SR.No.89624

WP.No.30274/2019

SPD (CO)
GMY (08/11/2019)

सत्यमेव जयते

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