

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.9886 of 2020
and W.M.P.No.12012 of 2020

K.Krishnamoorthi,
S/o.Kumarasamy Gounder, (Late)
1/11, Periakalandai,
Kattampatti Post, Jakkarpalayam (via)
Kinathukkadavu Taluk,
Coimbatore District - 642 202.Petitioner

Vs.

- 1.The District Collector,
Coimbatore,
Coimbatore District.
- 2.The Revenue Divisional Officer,
Pollachi,
Coimbatore.
- 3.The Tahsildar,
Kinathukkadavu Taluk,
Kinathukkadavu.
Coimbatore District.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to remove the obstructions in patta land of the petitioner in S.Nos.457/1, 464/1 and restore the water channel passing through in S.Nos.456.458 situated in Andipalayam, Kinathukkadavu Taluk, Coimbatore District.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.S.N.Parthasarathy

O R D E R

This writ petition has been filed for issue of writ of mandamus directing the respondents to remove the obstructions in the patta land belonging to the petitioner and to restore the water channel based on the representation made by the petitioner on 04.09.2019.

2. The case of the petitioner is that the petitioner is the owner of the land and there was a cart track which was going near the patta land belonging to the petitioner. The

respondent had put up the road on the request made by the people belonging to the locality and the road was put up above the water channel which was already in existence.

3. The grievance of the petitioner is that the respondents are now in the process of putting up the water channel by encroaching upon the patta land belonging to the petitioner. According to the petitioner while conducting the survey, a portion of the land belonging to the petitioner was marked and boundary stones were also laid.

4. The petitioner made a representation to the second respondent on 04.09.2019 and the second respondent directed the third respondent to properly survey the property and redress the grievance of the petitioner. The same is clear from the letter that has been filed in typed set of papers. According to the petitioner, this letter has not been acted upon and the third respondent is seeking to lay water channel by encroaching upon patta land belonging to the petitioner. Left with no other alternative, the petitioner has filed the present writ petition before this Court seeking for appropriate direction.

5. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned counsel appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and also the fact that the second respondent has already taken note of the representation made by the petitioner and has also directed the third respondent to do the needful, there shall be a direction to the third respondent to consider the objections given by the petitioner in line with communication of the second respondent through letter dated 24.07.2019 and conduct the survey based on the documents and take a decision in accordance with law. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is made clear that survey shall be completed after issuing notice to the petitioner and other adjacent land owners. The petitioner is directed to make a fresh representation to the third respondent along with all necessary documents and also a copy of this order. A copy of the representation shall also be marked to the second respondent.

7. This writ petition is disposed of with the above directions. No cost. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

rst

To:

1.The District Collector,
Coimbatore,
Coimbatore District.

2.The Revenue Divisional Officer,
Pollachi,
Coimbatore.

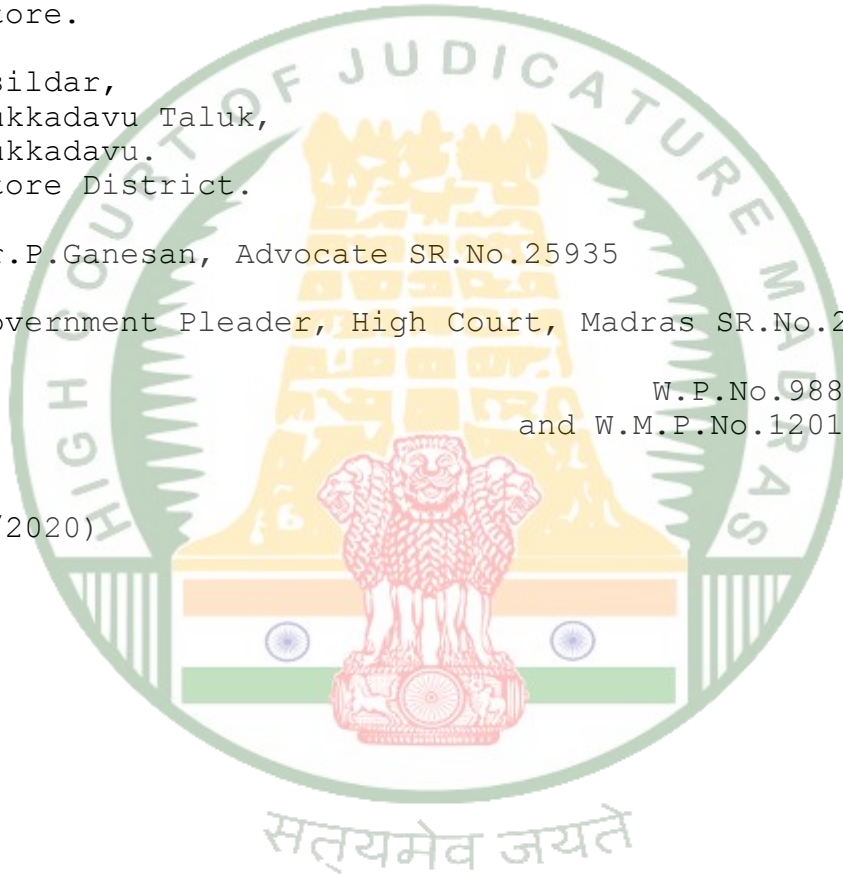
3.The Tahsildar,
Kinathukkadavu Taluk,
Kinathukkadavu.
Coimbatore District.

+1cc to Mr.P.Ganesan, Advocate SR.No.25935

+1cc to Government Pleader, High Court, Madras SR.No.26121

W.P.No.9886 of 2020
and W.M.P.No.12012 of 2020

ev (CO)
GMY (14/08/2020)



WEB COPY