

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16765/2020 & WMP.No.20776/2020

K.Palanisamy

..Petitioner

Versus

1.The District Collector
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer
Coimbatore.

3.The Tahsildar
Sulur, Coimbatore District.

4.The Administration
A/m.Shree Vasudevan/Shree Varna Devan Temple
SF.No.173, Pattinam Village
Sulur Taluk, Coimbatore District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 3 to demolish the unauthorised constructions put up by the 4th respondent in SF.No.173, Pattinam Village, Sulur Taluk, Coimbatore District and restore the pathway by considering the petitioner's representation dated 23.10.2020.

For Petitioner : Mr.D.R.Arun Kumar

For RR 1 to 3 : Ms.R.J.Radhika
Government Advocate

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of the respondents 1 to 3
- (3) The petitioner claims to be a resident of Amman Nagar, Pattinam, Coimbatore District and in the affidavit filed in support of this writ petition, would aver among other things that he owns agricultural lands in SF.No.186/3 of the said Village and for the purpose of ingress and egress to his agricultural land, the only route/way available is through SF.No.173. According to the petitioner, the 4th respondent/Temple is in existence in a corner of SF.No.173 [part], occupying an area of 1 cent.
- (4) The learned counsel for the petitioner would submit that the owners of M/s.Lakshmi Earth Movers and Winners Real Estates, viz., Mr.E.Prakash S/o.Eswaran and Tvl.K.Gothandapani, G.Devarajan S/o.Govindasamy, G.Karthikeyan S/o.Gopal and Ragunathan S/o.Ganesan, had started putting up permanent structures right across SF.No.173 without any authorisation / permission and that too, on a public land and the representation dated 23.10.2020 submitted in this regard, is yet to invoke any kind of response and therefore, the petitioner came forward to file the present writ petition.
- (5) This Court heard the submissions of Ms.R.J.Radhika, learned Government Advocate appearing for respondents 1 to 3 and also perused the materials placed before it.
- (6) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent, with the help of the jurisdictional Surveyor, to survey and inspect the land in SF.No.173 of Pattinam Village with the aid of the relevant revenue records, after putting on notice, the petitioner as well as the 4th respondent / Temple and if the result of the inspection disclose any encroachment on the said land/construction of unauthorised structures, the 3rd respondent shall take necessary steps in accordance with law by also adhering to the principles of natural justice and complete the entire exercise within a period of ten weeks from the date

of receipt of a copy of this order and communicate the decision taken, to the petitioner, 4th respondent as well as to the person/s concerned.

(7)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

AP

To

1.The District Collector
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer
Coimbatore.

3.The Tahsildar
Sulur, Coimbatore District.

+1 CC to Mr. D.R. Arun Kumar, SR. No. 38783

+1 CC to Government Pleader, SR. No.38893

WP.No.16765/2020

SV(CO)
CAA(19/12/2020)

सत्यमेव जयते

WEB COPY