

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.16755/2020

R.Venkatesh

..Petitioner

Versus

- 1.The Revenue Divisional Officer
Coimbatore North
Koundampalayam, Coimbatore 641030.
- 2.The Joint Director/Project Director,
The District Rural Development Agency [DRDA]
Coimbatore.
- 3.The Assistant Director [Panchayats]
The Rural Development & Panchayat Raj
Department, Coimbatore.
- 4.The Tahsildar
Coimbatore North, Coimbatore 641 018.
- 5.The Block Development Officer
Periyanaickenpalayam Panchayat Union
Periyanaickenpalayam, SRKU Post
Coimbatore 641 020.
- 6.The Zonal Deputy Block Development
Officer [Zone-I], Pannimadai Village
Periyanaickenpalayam, Coimbatore.
- 7.The President
Pannimadai Village Panchayat,
Coimbatore North Taluk
Pannimadai, Coimbatore 641 017.

8.K.Devarajan

..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 7 to remove the encroachment

made in Water channels at Government Poramboke Lands comprised in S.F. No. 273/2, S.F.No. 295/2, S.F. No. 296/2 and S.F.No.297/2 and also in common pathway comprised in S.F.No.269 situated at Panniamadai Village, Coimbatore North Taluk, Coimbatore in accordance with law, within the time.

For Petitioner : Mr.B.Nandhakumar

For RR 1 to 7 : Mr.M.Elumalai
Additional Government Pleader

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) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 7.
- (3) The petitioner claims to be the owner of the agricultural land in SF.No.272/2A and 270/2 situate at Panniamadai Village, Coimbatore District and according to him, in respect of the site on his land in F.No.272/2A, a field water channel for irrigation purpose is located in SF.No.273/2 and the said water channel is also connected to the other water channels located in SF.No.295/2, 296 and 297/2 of the said village and it also passes through lands in SF.No.295, 297, 273, 275 and 279 etc and that apart, a poramboke land situate at SF.No.269 is also used as a common pathway.
- (4) The learned counsel for the petitioner would submit that the 8th respondent and his family also owns lands in SF.Nos.270/1, 270/3, 270/4, 271, 272/1, 2B, 273/1A, 1B, 275, 279/1, 295/1A, 296/1A2 and 299/2 at Panniamadai Village and that apart, there are Government Poramboke lands in SF.Nos.273/2, 295/2, 296/2, 297/2 and 269 situate adjacent to the properties of the 8th respondent. It is the specific case of the petitioner that the 8th respondent, taking advantage of the proximity of the location of the Government poramboke lands adjacent to his lands, started encroaching upon the said lands and in the process, also encroached upon the water channel situate in SF.Nos.273/2, 295/2, 296, 297/2 and also the common pathway in SF.No.269 and started putting up tile structures and also put up an iron gate. The petitioner, in this regard, has submitted repeated representations and based upon the same, the office of the 5th respondent sent a Memo dated 21.08.2020 in Na.Ka.No.1238/2020/A1 to the Deputy Block Development Officer, to take appropriate action and inform the same to the petitioner and the office of the 2nd respondent, in turn, had

sent a communication dated 08.09.2020 to the 3rd respondent for removal of the encroachment, especially, the gate put up by the 8th respondent and inform the same to the petitioner and despite such communications, nothing is moving forward and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(5) This Court heard the submissions of Mr.M.Elumalai, learned Additional Government Pleader appearing for respondents 1 to 7 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 representations or in this writ petition, directs respondents 4 and 5 to cause a joint inspection of the above said Survey Numbers with relevant records after putting on notice the petitioner as well as the 8th respondent and depending upon the result of such inspection, shall take appropriate action in accordance with law in the event of any encroachment or obstruction is noted. The entire exercise is to be carried out 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 as well as to the 8th respondent.

(7) The writ petition stands disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1. The Revenue Divisional Officer
Coimbatore North
Koundampalayam, Coimbatore 641030.
2. The Joint Director/Project Director,
The District Rural Development Agency [DRDA]
Coimbatore.
3. The Assistant Director [Panchayats]
The Rural Development & Panchayat Raj
Department, Coimbatore.

4.The Tahsildar
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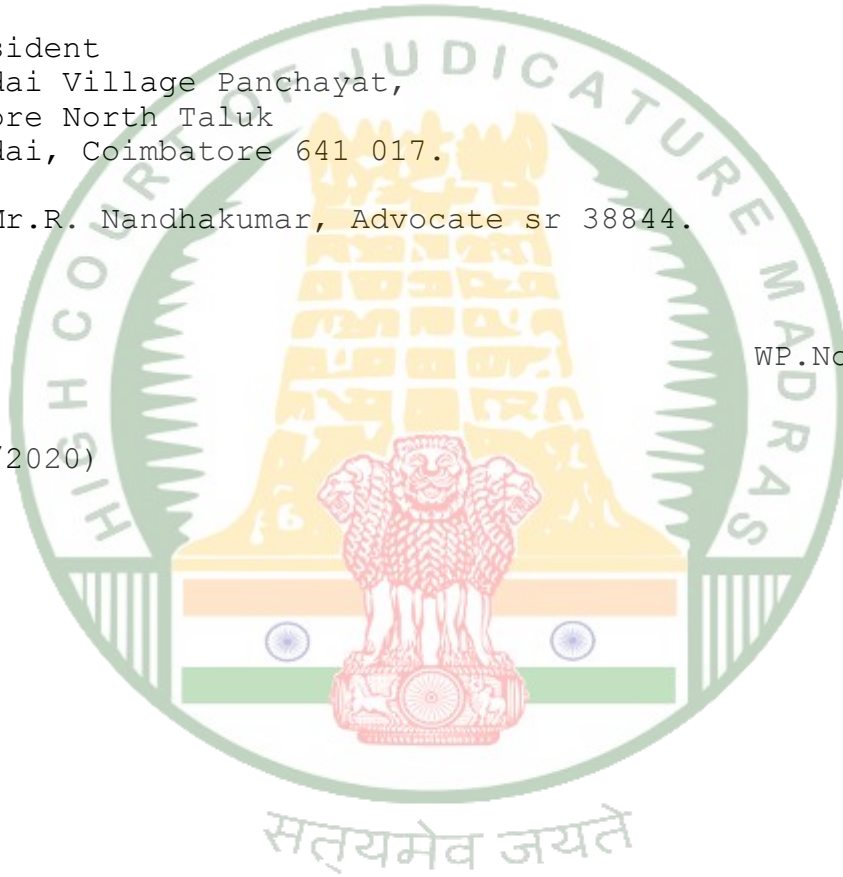
6.The Zonal Deputy Block Development
Officer [Zone-I], Pannimadai Village
Periyanaickenpalayam, Coimbatore.

7.The President
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Coimbatore North Taluk
Pannimadai, Coimbatore 641 017.

+1 Cc to Mr.R. Nandhakumar, Advocate sr 38844.

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



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