

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.21284 of 2017
and W.M.P.No.22226 of 2017

Hari Rajan

... Petitioner

Vs

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Executive Engineer,
Public Works Department,
Azhiyar Irrigation Division Pollachi,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 2nd respondent dated 26.07.2017 in letter No.Tho.Nu.Pe/V.A/Ko.10/198M/2017 and quash the same.

For Petitioner : Mr.R.Krishnaprasad
for M/s.Sarvabhavman Asso.

For Respondents: Mr.V.Shanmugasundar,
Spl.Govt.Pleader

ORDER

This Writ Petition is heard through Video Conference on account of COVID-19 pandemic situation.

2. This writ petition has been filed for issuance of writ of certiorari calling for the records of the second respondent dated 26.07.2017 in letter No.Tho.Nu.Pe/V.A/Ko.10/198M/2017 and quash the same.

3. On the earlier occasion on 02.09.2020, this Court had passed the following order :

"5. Considering the claim of the petitioner, this Court feels that the land of the petitioner may be surveyed and measured and the boundary line be drawn

for him to put up the barbed wire fencing leaving the public pathway. For the said purpose, the Assistant Director (Survey and Settlement), Coimbatore District and the Tahsildar, Pollachi Taluk, Coimbatore District, are directed to conduct a survey and measure the lands of the petitioner and draw the boundary line. The said exercise should be conducted in the presence of the petitioner. The petitioner is also directed to co-operate in this regard. After the said survey, let the sketch indicating the line on which the barbed wire fencing be done, be filed before this Court, signed by the petitioner as well as the respondents. The said report shall be filed before this Court on 17.09.2020."

4. Pursuant to the said order, a survey was conducted in the presence of the petitioner and the lands were measured and the status report is filed along with the sketch. The paragraph 4 of the status report is as follows:-

"4. In obedience to the above directions, myself, the Tahsildar, Pollachi, Executive Engineer, Azhiyar Basin Division, Pollachi, Assistant Engineer, Azhiyar Basic Division, Pollachi, Deputy Inspector of Survey, Pollachi, Taluk Deputy Surveyor, Pollachi, Zonal Deputy Tahsildar, Pollachi South, Revenue Inspector, Pollachi South, Village Administrative Officer, Oonjavelampatti Village, Village Assistant and the representative of the petitioner (Mr.Viswanathan) have made a joint inspection and conducted the survey works on 08.09.2020, 10.09.2020 and 12.09.2020 and measure the boundary line of the petitioner's factory land as well as the channel area, by marking the encroachments made by the petitioner also. By knowing the boundary lines, during the survey the petitioner accepted the encroachment made by him on the Government Poramboke land along the sides of the Chandrapuram channel. Subsequently, the encroached portions of compound wall, backside wall of staff's quarters, iron gate and toilets were removed by the petitioner himself on 12.09.2020, 13.09.2020 and 15.09.2020 respectively. The photographs relating to before and after removal of encroachment is herewith submitted. Also the sketch showing the boundaries of the petitioner's land poramboke land with channel marking and the encroachment area is submitted herewith for the Hon'ble High Court's perusal."

5. The learned counsel for the petitioner also agreed that the petitioner was present, when the above said boundary lines were drawn and the encroached portions of the compound wall,

back side wall of staff's quarters, iron gate and toilets were removed by the petitioner himself on 12.09.2020, 13.09.2020 and 15.09.2020 respectively. The photographs, after removing the encroachments, are also produced before this Court.

6. Though the petitioner had originally sought for certiorari to quash the order dated 26.07.2017, directing the petitioner to remove the encroachments within a week, now, after surveying and laying the boundary stones in the petitioner's property, rest of the encroached portions of the compound wall were, admittedly, removed by the petitioner himself. Therefore, nothing survives for adjudication in this Writ Petition.

7. Accordingly, the Writ Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gg/srn

To

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Executive Engineer,
Public Works Department,
Azhiyar Irrigation Division Pollachi,
Coimbatore District.

+1 CC to M/s. Sarvabhuman Associates sr 30343.

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AJS (CO)
SP(22/10/2020)