

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.4066 of 2021

K.Manikandan

.. Petitioner

-vs-

1. The District Collector,
O/o. The District Collector Office,
Coimbatore.
2. The Sub-Collector,
O/o. The District Collector Office,
Coimbatore.
3. The Thashildhar,
Taluk Office, Anaimalai,
Pollachi Taluk,
Coimbatore District.

4. Vijayakumar

5. Gunasekaran

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing respondents 1 to 3 to remove the encroachment of pathway/street in Survey No.Ka.Sa.No.404, Subdivision No.17, Arisana Veethi, Natham Ward No.3, Angalakurichi Village, Pollachi Taluk, Coimbatore District as per their own record admitted in letter dated 03.10.2013 by considering my representation dated 28.09.2020 and legal notice dated 07.10.2020.

For Petitioner

: Mr.S.Makesh

For Respondents

: Mr.G.K.Muthukumar,
Special Government Pleader
for R1 to R3

Mr.N.C.Ashok Kumar
for R4 & R5

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy,J.)

The petitioner complains of alleged encroachment in Survey No.404/17, Arisana Veethi, Natham Ward No.3, Angalakurichi Village, Pollachi Taluk, Coimbatore District.

2. It is stated that in spite of issuing representations to the Tahsildar on 29.07.2013 and 28.09.2020, no action was taken.

3. Learned Special Government Pleader states that there is no encroachment in Survey No. 404/17. However, he states that there may be an encroachment in the adjoining survey number. Therefore, he states that the Tahsildar would conduct a survey and if it is found that there is an encroachment in the adjoining survey number, appropriate action would be taken by the Block Development Officer, Anaimalai.

4. In view of the aforesaid submissions, the writ petitioner is permitted to submit a fresh representation to the Block Development Officer, Anaimalai, specifying the correct survey number in which there is an encroachment. Such representation shall be submitted by the writ petitioner within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Block Development Officer, Anaimalai, shall take the assistance of The Tahsildar, Pollachi Taluk to conduct a survey as aforesaid and thereafter pass a speaking order on the representation within a period of six weeks from the date of receipt thereof. In case an encroachment is found, appropriate action shall be taken in accordance with law against the encroachers after providing them reasonable opportunity.

5. W.P.No. 4066 of 2021 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

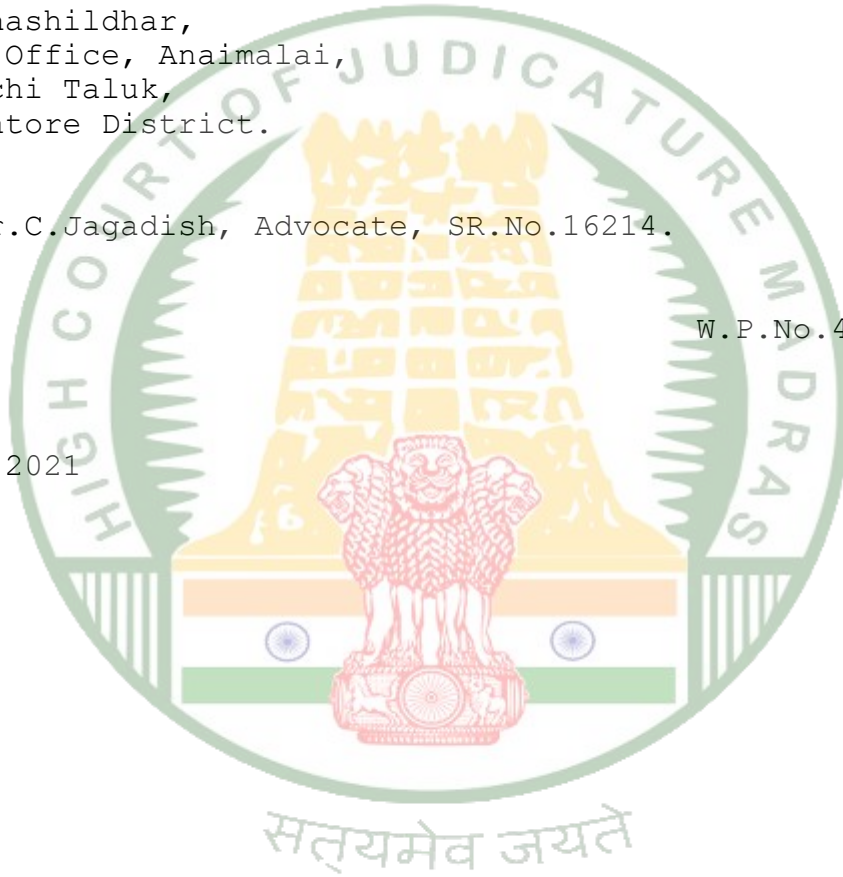
To:

1. The District Collector,
O/o. The District Collector Office,
Coimbatore.
2. The Sub-Collector,
O/o. The District Collector Office,
Coimbatore.
3. The Thashildhar,
Taluk Office, Anaimalai,
Pollachi Taluk,
Coimbatore District.

+1cc to Mr.C.Jagadish, Advocate, SR.No.16214.

W.P.No.4066 of 2021

bbr (PA)
AD(CO)
CSR 23.03.2021



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