



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2021

Coram

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No. 5489 of 2015
and
M.P.No.1 of 2015

R. Maruthappan .. Petitioner

Versus

1. The District Collector
Coimbatore Collectorate
Coimbatore.

2. The Assistant Director of Town Panchayat
Coimbatore Zone
Hosur Road, Coimbatore

3. The Executive Officer
Othakkal Mandapam Town Panchayat
Othakkal Mandapam
Coimbatore District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to dispose of the petitioner's representation dated 5.1.2015 requesting the third respondent not to convert the usage of the land measuring 6.25 acres in Survey No.126/3A1A belonging to the Othakkal Mandapam Town Panchayat, Coimbatore District from the purpose of fruit garden to Natham poramboke and not to allot any patta to any private party in respect of the said land.

For Petitioner : Mr. S.D.S. Phillip

For Respondents : Mr. Stalin Abhimanyu,
Government Advocate for R1 & R2
Mr. Durai Solaimalai for R3



4. The learned counsel for the petitioner relied on the communication dated 06.03.2015 of the third respondent addressed to the second respondent wherein it was stated that the subject matter of the land has been allotted for maintaining the fruit garden, however, some third party and unknown elements had encroached the fruit garden and dumped sand, stone and other construction materials without the permission of the Panchayat. The learned counsel for the petitioner therefore prayed this Court to issue appropriate direction to the respondents to ensure that the land in question is not encroached by third persons in any manner.

5. The learned counsel for the third respondent, by placing reliance on the counter affidavit, would contend that pursuant to the resolution dated 03.03.2014, land measuring 1.53 acres was allotted to the Government Middle School, Madukkarai. Further, a piece of land measuring 1.59 acres was allotted to establish and develop solid waste management programme and remaining 6.25 acres of land was earmarked for fruit garden. In fact, unknown persons have dumped sand, stone and other construction materials without the permission of the respondents and therefore, steps are being taken to remove such encroachment. It is also further stated in par No. 4 (e) of the counter affidavit that the representation dated 5.1.2015 of the petitioner is still under consideration and the respondents have no proposal to convert the usage of the said land or to issue patta to private parties, as alleged by the petitioner.

6. Heard the counsel for both sides and perused the materials placed on record. It is seen that the petitioner made a representation dated 5.1.2015 before the respondents to prevent the public land from being encroached by private parties, after converting the nature and classification of the land in question. In the counter affidavit of the third respondent, it was stated that steps are being taken to safeguard the property from being encroached and that the respondents have no proposal to issue patta to third parties. It is also submitted that the representation dated 05.01.2015 is under active consideration of the respondents.

7. In view of the above, the third respondent is directed to consider the petitioner's representation dated 5.1.2015, afford an opportunity of hearing to him and pass



appropriate orders thereon, if not already passed, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that no encroachment shall be permitted to be made in the land in question by the respondents. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

msr/rsh

To

1. The District Collector
Coimbatore Collectorate
Coimbatore.
2. The Assistant Director of Town Panchayat
Coimbatore Zone
Hosur Road, Coimbatore
3. The Executive Officer
Othakkal Mandapam Town Panchayat
Othakkal Mandapam
Coimbatore District

+1CC to Mr. S.D.S. Phillip, Advocate, SR.No. 44180

+1CC to The Government Pleader, SR.No. 44589

WP No. 5489 of 2015

CA(CO)
B.VC (13/10/2021)