



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.14507 OF 2021

K.P.Mahalingam

... Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. The Sub-Collector,
Coimbatore District at Pollachi,
Pollachi Taluk,
Pollachi,
Coimbatore District.
4. The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.
5. Varadaraj
6. Shanthi

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made over the common pathway of Vinayagar Koil Veethi, comprising in Natham Survey No.365/10, situated in Rangasamuthiram, Zamin Kottampatti Village, Pollachi Taluk, Coimbatore District by the respondents 5 & 6.



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For petitioner : Mr.N.Sudharsan

For respondents : Mrs.Akila Rajendran

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in Natham Survey No.365/10 in a common pathway of Vinayagar Koil Veethi, Rangasamuthiram, Zamin Kottampatti Village, Pollachi Taluk, Coimbatore District by the respondents 5 & 6.

3. The petitioner would state that he purchased a house plot in Survey No.365/17, through a registered sale deed dated 04.06.2018. Thereafter, he put up construction and also got electricity service connection. He would further state that there is a pathway running on the south side of the Vinayagar Koil in Survey No.365/10, which is the only road to reach his property.

4. It is alleged that the respondents 5 and 6, who are owning their respective houses in the said Vinayagar Koil Veethi, have encroached the Natham pathway and obstructed the ingress and egress of the petitioner. Hence, he made a representation to the official respondents on 11.09.2020 to remove the encroachment. Since no action has been taken, the present Writ Petition.

5. The learned counsel appearing for the petitioner Mr.N.Sudharsan, would state that it would suffice if a suitable direction is issued to the third respondent to take action on the representation of the petitioner.

6. The learned Government Advocate appearing for the respondents Mrs.Akila Rajendran, would submit that the representation of the petitioner was received by the third respondent and he is ready to take action in accordance with law.

7. In the light of the limited scope of the prayer sought for in the Writ Petition and considering the submissions made by the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to take appropriate action on the



representation of the petitioner in accordance with law, after affording ample opportunity to the necessary parties. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Secretary,
The Government of Tamil Nadu,
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Fort St. George,
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2. The District Collector,
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Coimbatore.
3. The Sub-Collector,
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AK-II(CO)
PBS/11/10/2021