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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.11.2021

CORAM

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

W.P.NO.23181 OF 2021

K.Bagavathi

...Petitioner

-vs-

- 1.The District Collector cum
District Revenue Officer
Office of the District Collector
Coimbatore.
- 2.The Sub Collector
Pollachi
Coimbatore.
- 3.The Tahsildar
Office of the Tahsildar
Anaimalai Taluk.
- 4.The Village Administrative Officer
Singanallur Village Panchayat
Anaimalai Taluk.
- 5.The Village Administrative Officer
Karuppampalayam Village Panchayat
Anaimalai Taluk.
- 6.Balasubramaniam

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 01.02.2021 and to take appropriate effective action in relation to the encroachments made in S.F.No.106A (River Poramboke) situated at Singanallur Village Panchayat, including laying cart track/road in the same and illegally tapping water from Palar River through oil engines and also in relation to encroachment made in S.F.No.163 situated at Karuppampalayam Village Panchayat, in accordance with law, within the time that may be fixed by this Court.



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For petitioner : Mr.R.Nandakumar
For respondents : Mr.L.S.M.Hasan Fizal, AGP
for RR1 to 5
Mr.C.Veeraraghavan for R6

ORDER

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

This writ petition has been filed for issuance of writ of mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 01.02.2021.

2.The petitioner would claim that the land in Survey No.164/3, 4 and 6 situated at Vakkampalayam Village, Anaimalai Taluk, measuring to an extent of 2 acres and 23 cents was originally owned by his grand father. After the life time of his grandfather, as per the registered partition deed dated 14.05.2018, the petitioner is in possession and enjoyment of the same.

3.The grievance of the petitioner is that 2C- Tree patta was issued in favour of the petitioner's father in respect of 6 tamarind trees and some coconut trees were planted in the poramboke land. While so, based on the complaint of the 6th respondent, the coconut trees have been removed. It is also stated that the 6th respondent, who owns land on the western side of the petitioner's property in S.F. No.106A has installed an oil engine, for tapping water illegally from the river-Paalar. He has also put up illegal construction in S.F. No.163, which has been classified as 'Poramboke land'. Hence, a representation was given to the respondents to remove the encroachment. Since, no action has been taken, the present writ petition has been filed.

4.The learned counsel for the petitioner would state that it would suffice, if a suitable direction is issued to the 3rd respondent to consider the representation of the petitioner.

5.Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 5 would state that the 3rd respondent is ready to pass orders on the representation.

6.It is the submission of Mr. C.Veeraraghavan, learned counsel appearing for the 6th respondent that in respect of the same issue, the petitioner has already instituted a suit in O.S.No.399 of 2020 before the District Munsif, Pollachi, hence the present writ petition is not maintainable. It is also stated that the oil engine installed by the 6th respondent was already removed and the 6th respondent is ready to remove the hut,



provided the petitioner also removes the illegal structure put up in the poramboke land.

7. In the light of the prayer sought in this writ petition and the submissions made by the learned counsel on either side, this Court without expressing any opinion on the merits of the matter, directs the 3rd respondent to take appropriate action, on the basis of the representation of the petitioner dated 01.02.2021 and cause survey of the property in the presence of the parties. If the report shows encroachment, it shall be removed in accordance with law.

8. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector cum
District Revenue Officer,
Office of the District Collector,
Coimbatore.
2. The Sub Collector,
Pollachi,
Coimbatore.
3. The Tahsildar,
Office of the Tahsildar,
Anaimalai Taluk.
4. The Village Administrative Officer,
Singanallur Village Panchayat,
Anaimalai Taluk.
5. The Village Administrative Officer,
Karuppampalayam Village Panchayat,
Anaimalai Taluk.

+1cc to Mr.C.Veeraghavan, Advocate SR.No.60808
+1cc to the Government Pleader SR.No.61482

W.P.No.23181 of 2021

GPL (CO)
RVM(13/12/2021)