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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.23282 of 2021

N.Prakash

Vs

.. Petitioner

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Sub Collector,
Pollachi,
Coimbatore District.
3. The Assistant Director of Rural Development,
Coimbatore.
4. The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.
5. The Block Development Officer,
Pollachi North Panchayat Union,
Near Bus Stand, Palcot Road,
Pollachi,
Coimbatore District.
6. Aachipatti Panchayat,
Pollachi Taluk,
Coimbatore District,
rep. by its President.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to remove the encroachment and demolish the construction made in the name of temple in the land allotted for park in favour of the Aachipatti Panchayat to the extent of 12144 sq.ft situated in S.No.108/1, 111/B1A, 111/B2A, 112/B2B of



Sangampalayam Village, Aachipatti Panchayat, Pollachi Taluk,
Coimbatore District.

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For the Petitioner : Mr.S.Doraiswamy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner complains of encroachment in a public path at land bearing Survey Nos.108/1, 111/B1A, 111/B2A and 112/B2B in Sangampalayam Village, Aachipatti Panchayat of Pollachi Taluk in Coimbatore.

2. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the respondent Nos.1 to 5 and submits that the Tahsildar, Pollachi would be the appropriate authority to look into the matter.

3. Accordingly, W.P.No.23282 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of herein to the fourth respondent Tahsildar. Immediately upon receipt of the complaint, the Tahsildar will cause an inquiry to be undertaken upon notice to the petitioner, the perceived encroachers and others likely to be affected thereby. The Tahsildar will ascertain whether there is any encroachment. If the Tahsildar finds that there is any encroachment, the Tahsildar will report the matter to the appropriate superior authorities for immediate expeditious steps being taken to remove the encroachment.

4. The Tahsildar's final order, upon completion of the inquiry, should be passed within ten weeks of the receipt of the representation in terms of this order and the Tahsildar's order should be communicated to both the petitioner and the encroachers.

There will be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar



1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Sub Collector,
Pollachi,
Coimbatore District.
3. The Assistant Director of Rural Development,
Coimbatore.
4. The Tahsildar,
Pollachi Taluk,
Pollachi,
Coimbatore District.
5. The Block Development Officer,
Pollachi North Panchayat Union,
Near Bus Stand, Palcot Road,
Pollachi,
Coimbatore District.
6. The President,
Aachipatti Panchayat,
Pollachi Taluk,
Coimbatore District.

+lcc to Mr.S.Doraiswamy, Advocate SR. No.56290
+lcc to the Government Pleader SR. No.56244

W.P.No.23282 of 2021

GSM (CO)
PR (01/12/2021)