



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.02.2022

CORAM

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

W.P.No.1483 of 2022
and W.M.P.No.1631 of 2022

Jothimani
S/o Ranganathan
No.1/42-A, Sitthanaickenpalayam
Karadibavi
Coimbatore - 641 658.

... Petitioner

-vs-

1.The District Collector
Coimbatore
Coimbatore District.

2.The Revenue Divisional Officer
South Coimbatore
Coimbatore
Coimbatore District.

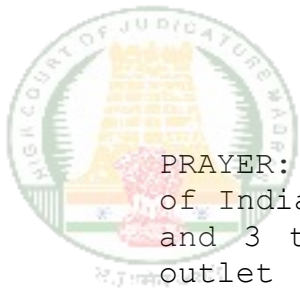
3.The Tahsildar
Sulur
Coimbatore.

4.The Block Development Officer
Sultanpet
Sulur (Taluk)
Coimbatore.

5.The President
Edayarpalayam Village Panchayat
Sulur Taluk
Coimbatore.

6.G.Balasubramaniam

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the 6th respondent in outlet water channel of Pond comprised in Survey Numbers.8/1 & 8/2 situated at Edayarpalayam Village, Sulur Taluk, Coimbatore, Coimbatore District and to maintain the same without converting into road or its natural character by considering his representation dated 12.11.2021.

For petitioner : Mr.K.Myilsamy

For respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
for RR1 to 3
Mr.P.Balathandayutham
Special Government Pleader
for RR4 & 5

ORDER

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

Mr.V.P.R.Elamparithi, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Mr.P.Balathandayutham, learned Special Government Pleader takes notice for the respondents 4 and 5.

2.By consent of the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3.The petitioner has come up with this writ petition for issuance of writ of mandamus directing the respondents 2 and 3 to remove the encroachment made by the 6th respondent in the water channel of pond comprised in Survey no.8/1 and 8/2 situated at Edayarpalayam Village, Sulur Taluk, Coimbatore, Coimbatore District, by considering his representation dated 12.11.2021.

4.The case of the petitioner is that the land measuring to an extent of 3 acres in Survey No.10 of Edayarpalayam Village, Coimbatore was jointly owned by his father-Ranganathan and his brother Ramasamy. Subsequently, the said Ramasamy had released his right in favour of his brother-Ranganathan under the registered release deed dated 27.08.1990. After the demise of Ramasamy and Ranganathan, the petitioner became the absolute owner of the property.



5. According to the petitioner, the pond is situated in Survey No. 11/1A and 11/1B1 and there was a water channel for outlet of the water in Survey Nos. 8/1 and 8/2. It is alleged that the 6th respondent in collusion with the respondents 4 and 5, is now attempting to lay a Thar road by encroaching the water channel. Hence, he made a representation to the respondents on 12.11.2021, but, no action was taken so far.

6. The learned counsel for the petitioner would state that it would suffice, if the respondents 3 and 4 are directed to consider the representation of the petitioner.

7. The learned Additional Government Pleader and the learned Special Government Pleader appearing for the official respondents on instructions would state that the respondents are ready to consider the grievance expressed by the petitioner in his representation dated 12.11.2021.

8. In the light of the submissions of the learned counsels and also taking note of the prayer sought in this writ petition, this Court, without expressing any opinion on the merits of the matter, directs the respondents 3 and 4 to take appropriate action on the representation of the petitioner dated 12.11.2021, after providing ample opportunity to the petitioner and the 6th respondent, within a period of six months from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector
Coimbatore
Coimbatore District.



2.The Revenue Divisional Officer
South Coimbatore
Coimbatore
Coimbatore District.

3.The Tahsildar
Sulur
Coimbatore.

4.The Block Development Officer
Sultanpet
Sulur (Taluk)
Coimbatore.

5.The President
Edayarpalayam Village Panchayat
Sulur Taluk
Coimbatore.

+lcc to Mr.K.Myilsamy, Advocate SR.No.6700

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SSN(CO)
CB(22/02/2022)