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W.P.No.7915 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.7915 of 2018

A.Ramasamy Gounder

... Petitioner

Vs

1.The District Collector,
Coimbatore District.

2.The Superintendent of Police,
Coimbatore District,
Coimbatore - 641 018.

3.The Tahsildar,
Taluk Office, Perur.

4.A.Selvaraj

5.C.Ganesh

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the third respondent to conclude the proceedings dated 26.12.2016 in Na.Ka.No.9827/2016/A6 initiated on the basis of the petitioner's representation submitted before the first respondent and take appropriate action against the fourth and fifth respondents who destroyed the cart track belonging to the petitioner by considering his representations dated 28.10.2016 and 08.01.2018.



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For Petitioner : Ms.R.A.Monalisha
for Mr.R.Marudhachalamurthy

For Respondents :
For R1 & R3 : Mr.N.Naveen Kumar
Government Advocate

For R2 : Mrs.P.Rajarajeswari
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocates for the first to third respondents. There is however no representation on behalf of the private respondents. No counter has been filed by the first to third respondents.

2. This Writ petition has been filed for a Mandamus, to direct the third respondent Tahsildar to complete the enquiry pursuant to the proceedings initiated on 26.12.2016.

3. The specific case of the petitioner is that the petitioner acquired rights over the land in Ka.S.F.Nos.233/1, 2, 3, 232/1, 2, 234/2A and 234/2B1 at Theethipalayam Village, Coimbatore District, pursuant to a "Will" executed on 03.08.1991.



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4. According to the petitioner, the land was derived through a Registered Will in Doc.No.40/1991 and that right from the day on which the said Will came into existence, the petitioner has in peaceful possession and enjoyment of the property.

5. It is the case of the petitioner that a Cart Track lead from the Ka.S.Nos.226/2, 226/3 of Theethipalayam Oorkadu to Ka.S.No.233/1 was utilized by the petitioner for several years, which is the only ingress and egress of the petitioner's aforesaid agricultural land. It is further case of the petitioner that the private respondents herein have destroyed the Cart Track on 22.10.2016 by using earth moving vehicle and have thereafter formed fencing and when the same was questioned by the petitioner next day, they have threatened the petitioner with dire consequences and threatened his life.

6. It is further case of the petitioner that on account of the above, the petitioner is now unable to reach his agricultural land and his agricultural operation/work was affected due to the act of the private respondents.

7. There is some merits in the submission of the petitioner. Further, the



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petitioner appears to be aged about 85 years at the time when the writ petition was filed. Another four years have lapsed since then.

8. Considering the fact that the enquiry has been initiated by the third respondent on 26.12.2016, I direct the third respondent to complete the enquiry in the proceedings initiated against the petitioner based on the petitioner's representations dated 28.10.2016 and 08.01.2018, within a period of three months from the date of receipt of a copy of this order.

9. This Writ Petition stands allowed with the above observations. No costs.

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Index: Yes/No
Speaking/Non-Speaking Order

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To



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C.SARAVANAN, J.

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