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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.01.2022

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

W.P.NO.23808 OF 2021

N.Parameswaran

...Petitioner

vs

- 1.The District Collector
Coimbatore District
Coimbatore.
- 2.The Revenue Divisional Officer
Coimbatore South
Coimbatore.
- 3.The Tahsildar
Sulur Taluk
Coimbatore District.
- 4.The Commissioner
Sulur Panchayat Union
Sulur, Coimbatore District.
- 5.The President
Chinniampalayam Village Panchayat
Chinniampalayam
Coimbatore-641 062.

6.M.Selvaraj

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents forthwith remove the encroachment made by the 6th respondent comprised in Survey No.5A, 109, 14/1, 734, 735, 737/B, 737/3, 737/5 and 750 situated at Chinniampalayam Village, Sulur Taluk, Coimbatore Taluk and restore its original status and to maintain the said lands free to all encroachments.

For Petitioner : Mr.P.Saravana Sowmiyan



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For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader
for RR1 to 3
Mr.M.Venkateswaran
Special Government Pleader
for RR4 & 5
Mr.Chandrakumar
for Mr.P.T.Ramadevi for R6

ORDER

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

We have heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents 1 to 3; Mr.M.Venkateswaran, learned Special Government Pleader appearing for the respondents 4 & 5 and Mr.Chandrakumar learned counsel appearing for the 6th respondent.

2.The prayer in this writ petition, is to issue a writ of mandamus, directing the respondents to remove the encroachment made by the 6th respondent in Survey Nos.5A, 109, 14/1, 734, 735, 737/B, 737/3, 737/5 and 750 situated at Chinniampalayam Village, Sulur Taluk, Coimbatore District.

3.The learned counsel appearing for the petitioner, Mr.P.Saravana Sowmiyan, would state that the private respondent has encroached upon the land, which has been classified as 'Natham poramboke'.

4.It is the submission of the learned counsel appearing for the 6th respondent that there is no encroachment as alleged by the petitioner.

5.Mr.K.V.Sajeev Kumar, learned Special Government Pleader would state that this petition has been filed based on the representation given by the petitioner before the respondents 1 and 2. The 3rd respondent is the competent authority, but, no material is available to show that a representation has been made before the 3rd respondent.

6.In the light of the submissions made by the learned counsels and the nature of the prayer sought in this writ petition, this Court without expressing any opinion on the merits of the matter, directs the petitioner to submit fresh representation to the 3rd respondent, by enclosing copy of this order. On such receipt, the 3rd respondent shall conduct joint survey and enquiry in the presence of the petitioner and the 6th respondent and if there is any encroachment, he shall take further action in accordance with law, after providing ample opportunity to all the necessary parties concerned.



7. With the above direction, this writ petition stands disposed of. No order as to costs.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector
Coimbatore District
Coimbatore.
2. The Revenue Divisional Officer
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Coimbatore.
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Sulur, Coimbatore District.
5. The President
Chinniampalayam Village Panchayat
Chinniampalayam
Coimbatore-641 062.

+1cc to M/s.P.T.Ramadevi, Advocate Sr.No.40

+1cc to Mr.P.Saravana Sowmiyan, Advocate Sr.No.456

+1cc to M.Venkateswaran, Advocate Sr.No.507

W.P.No.23808 of 2021

PL(CO)
RVM(07/02/2022)