



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.26096 of 2021

A.Krishnasamy

... Petitioner

vs

1.The District Collector,
Coimbatore District.

2.The Sub Collector,
Pollachi.

3.The Tahsildar,
Kinathukadavu Taluk.

4.The Executive Engineer,
Public Works Department,
PAP, Pollachi.

5.The Inspector of Police,
Negamam Police Station,
Negamam.

6.Sathyabama

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to consider the petitioner's representation dated 22.10.2021 and remove the encroachments made in the Cart Track pathway in S.F. No.28 and S.F. No.27, poramboke land, remove the obstructions made in the Canal, which is situated in Madai No.9 of Senkuttaipalayam Killai Vaikal No.15.

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R1 to R5



ORDER

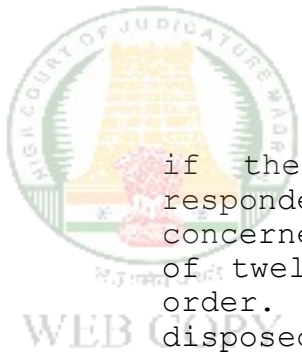
[Order of this Court was delivered by T.RAJA, J.]

The writ petition has been filed to consider the petitioner's representation dated 22.10.2021 and remove the encroachments made in the Cart Track pathway in S.F. Nos.27 & 28, Poramboke land and the obstructions made in the Canal, situated in Madai No.9 of Senkuttaipalayam Killai Vaikal No.15.

2.Learned counsel appearing for the petitioner submitted that the petitioner had purchased the agricultural lands, situated at Varadhanur Village, comprised in Survey Nos.27 and 28 under the Sale Deed dated 24.10.1994, registered as Document No.807/1994 in the office of the Sub Registrar, Negamam. After purchasing the said land, he has been using the PAP (Arani) Canal water for irrigation purpose and cultivating several crops and trees by using the Mamool Cart Track Pathway, without any let or hindrance whatsoever. Learned counsel appearing for the petitioner further submitted that the petitioner's adjoining land is owned by one Sathyabama, wife of Uthirasamy, whose family members have destroyed the Ottrai Kaal Arani Vaikal, which has been formed by the Government for cultivation by utilising the PAP canal water and no other irrigation facilities are available for cultivation. Therefore, the petitioner has made a representation dated 22.10.2021 to remove the encroachments made in the Cart Track pathway in S.F. Nos.27 & 28, Poramboke land and the obstructions made in the Canal, situated in Madai No.9 of Senkuttaipalayam Killai Vaikal No.15. As there was no response, he has come to this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 5 submitted that a preliminary status report has been filed, in which, it has been mentioned that once a final survey is conducted in the disputed land, the issue can be resolved, for which, if both parties co-operate, the survey also can be effectively done. Therefore, a direction be given to the petitioner and the sixth respondent to co-operate with the survey to be conducted under the supervision of the third respondent, who in turn be directed to conduct the survey with the help of the departmental surveyor.

4.Considering the limited relief sought for in this petition and without going into the merits of the matter, we hereby direct the third respondent to conduct the survey in the disputed land with the help of the departmental surveyor, on the basis of the revenue records, after issuing notice to the R6 and other parties. The petitioner and the sixth respondent are also directed to co-operate with the survey to be conducted under the supervision of the third respondent. After surveying the land,



if there is any encroachment found either by the sixth respondent or anybody else blocking PAP canal water, the concerned authority shall take suitable action within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the 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,
Coimbatore District.
- 2.The Sub Collector,
Pollachi.
- 3.The Tahsildar,
Kinathukadavu Taluk.
- 4.The Executive Engineer,
Public Works Department,
PAP, Pollachi.
- 5.The Inspector of Police,
Negamam Police Station,
Negamam.

+1cc to Mr.S.Nagarajan, Advocate SR.No.7757

+1cc to Mr.R.Prabhavathy, Advocate SR.No.7762

+1cc to Government Pleader SR.No.8315

W.P.No.26096 of 2021

AK II(CO)
GMY(02/03/2022)