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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.01.2022

CORAM

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

W.P.No.28337 of 2021

P.Balasubramaniam

... Petitioner

-vs-

1.The District Collector
District Collector Office
Coimbatore.

2.The Sub Collector
Sub Collector Office
Pollachi-642 002.

3.The Tahsildar
Tahsildar Office
Anaimalai Taluk
Coimbatore District-642 104.

4. Goplalakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take necessary steps to remove the encroachment made by the 4th respondent who had erected a meat stall in S.F.No.102/1 which is classified as "Poramboke" to provide a conducive environment to the petitioner herein as well as to the public.

For petitioner : Ms.S.Akila

For respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader
for RR1 & 2
Mr.R.Siddharth
Government Advocate for R3

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)
By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



2.The prayer in this writ petition is to issue a writ of mandamus, directing the respondents 1 to 3 to take necessary action against the 4th respondent, who has encroached on Survey No.102/1 of Thenchittur Village, Anaimalai Taluk.

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3.The petitioner would claim that he is the absolute owner of the property measuring an extent of 725 square metre in new Survey No.102/2 of Thenchittur Village, Anaimalai Taluk. It is his further case that the land in Survey No.102/1 has been classified as 'Poramboke land', where the 4th respondent has encroached and running a meat stall.

4.Ms.Akila, learned counsel appearing for the petitioner would state that the meat stall is sending out a foul smell and there are lot of flies and other insects, which are emanating from the said stall. It is his further stated that he let out one portion of his property to the Indian Post Office and the public who visits the Post Office could not bear the stink that is emerging from the meat stall. Hence, representations were made to the respondents, but no action was taken so far. She further added that it would suffice, if a direction is issued to the 3rd respondent to take appropriate action on the basis of the representation of the petitioner.

5.Mr.R.Siddharth, learned Government Advocate appearing for the respondents would state that the representation of the petitioner is pending consideration before the 3rd respondent and he is ready to take action in accordance with law.

6.In the light of the submissions of the learned counsels and also considering the nature of the prayer sought for in this writ petition, this Court without expressing any opinion on the merits of the matter directs the 3rd respondent to consider the representation of the petitioner and take action in accordance with law, after affording ample opportunity to the petitioner and the 4th respondent. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

7.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



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2.The Sub Collector
Sub Collector Office
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3.The Tahsildar
Tahsildar Office
Anaimalai Taluk
Coimbatore District-642 104.

+2cc to Ms.S.Akila, Advocate, S.R.No.981
+1cc to the Government Pleader, S.R.No.617

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GPL (CO)
CT 28/01/2022