



W.P.No.1945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Gandhimathi

.. Petitioner

Vs

- 1.The District Collector,
O/o Collectorate,
State Bank Road,
Coimbatore-641 018.
- 2.The Assistant Director,
Municipality Department
Collectorate,
Coimbatore-641 018.
- 3.The Revenue Divisional Officer,
Coimbatore North,
Goundanpalayam,
Coimbatore.
- 4.The Tahsildar,
Coimbatore North,
Dr. Balasundaram Road,
Coimbatore.



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5.The Executive Officer,
Periyanaicaken Palayam Municipality,
Coimbatore-600 020.

6.The President,
Periyanaicaken Palayam Municipality,
Coimbatore-600 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 to 4 to initiate appropriate actions in pursuant to proceedings in Na.Ka.No.3385/2022/AA1 dated 02.09.2022 against the unlawful occupation of the respondents 5 and 6.

For the Petitioner : Mr.B.Manimaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 5

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

K.Gandhimathi, wife of Late Karivaradhan, a resident of Thirumalai Naicken Palayam, Coimbatore, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 2 to



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4 to initiate appropriate action in pursuant to proceedings in Na.Ka.No.3385/2022/AA1 dated 02.09.2022, against the unlawful occupation of respondents 5 and 6.

2. Mr.B.Manimaran, learned counsel appearing on behalf of the petitioner, would submit that the property of an extent of 1.83 Acres comprised in Survey Nos.385/1, 385/3 and 386 of Periyanaicken Palayam, Coimbatore North, belongs to the petitioner's husband. During the year 1986, the petitioner's husband promoted a portion of the land after converting it into approved layout in approval CPN.No.4/87. The petitioner's husband also gifted OSR land measuring an extent of 11106 sq.ft. (25½ cents) by executing a settlement deed dated 1.12.1988 in favour of the Executive Officer, Periyanaicken Palayam Municipality, the fifth respondent herein. The petitioner's husband passed away on 28.5.2011, leaving behind the petitioner and two children and they have also obtained a legal heirship certificate dated 22.6.2016. It is urged that, while the petitioner was in occupation of 32.5 cents of her property, respondents 5 to 6 have unlawfully occupied the said



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land and installed a bore-well connection and constructed a water tank. Complaining about the same, the petitioner sent a detailed representation on 22.8.2022 to the respondent authorities. Since no effective steps have been taken till date, the present writ petition has been filed.

3. A perusal of the documents filed in support of the writ petition shows that pursuant to the representation of the petitioner dated 22.8.2022, the first respondent, vide proceedings dated 2.9.2022, directed respondents 2 to 4 to take appropriate action. However, respondents 2 to 4 have not taken any further action till date.

4. In view of the proceedings dated 2.9.2022 passed by the first respondent, we dispose of the writ petition with a direction to respondents 2 to 4 to consider the representation of the petitioner and pass appropriate orders within two weeks from the date of receipt of a copy of this order. It is made clear that if any encroachment or unlawful occupation is found proved, respondents



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2 to 4 should take immediate steps to remove the same on sympathetic consideration of the fact that the petitioner is a widow with two children. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
27.01.2023

Index : No
Neutral Citation : No
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THE HON'BLE ACTING CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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