



WEB COPY

W.P.No.7819 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7819 of 2009

R.Baladhandapani

... Petitioner

Vs.

1.The Collector,
Coimbatore District,
Coimbatore.

2.S.P.Kandasamy
Sri Vigneshwara Matriculation
Higher Secondary School,
Kottur,
Angalakurichi,
Pollachi Taluk.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to take action on the basis of the representation of the petitioner dated 12.03.2009.

For Petitioner

: Mr.S.Prabhu
For Mrs.P.Indhumathi

For R1

: Mr.T.Arun Kumar
Additional Government Pleader

For R2

: No Appearance



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ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to take action on the basis of the representation submitted by the writ petitioner dated 12.03.2009.

2. The petitioner states that he served in the Tamil Nadu Electricity Board and retired from service. He purchased a housing plot in New Colony, Angalakurichi in the year 1998 and constructed a house for his own occupation. The 2nd respondent has encroached upon the Government land, which has been registered as a cart track. To provide access to the poor people and Schedule Caste people, who have been given free pattas by the Government for construction of their houses.

3. In view of the encroachments made by the 2nd respondent, the people in that locality is unable to use the cart track as road for the purpose of reaching their residence and thus, the petitioner submitted a representation to the 1st respondent for initiation of action and to remove the encroacher.

4. The public Information Office in his reply dated 15.10.2008 has stated that the subject property, which is under the encroachment by the 2nd



respondent is classified as cart track and is a Government poramboke land.

That being the factum, the 1st respondent ought to have initiated action. When the particular cart track has been used as a common pathway to reach the patta land, then the District Collector is bound to conduct an inspection with reference to the revenue records and initiate all appropriate actions to evict the encroacher by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and clear the pathway for the usage of public.

5. In view of the facts and circumstances, the 1st respondent is directed to conduct an inspection with reference to the revenue records and initiate all appropriate action to evict the encroacher by following the procedures as contemplated under the law. The said exercise is directed to be done within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No costs.

21.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

The Collector,
Coimbatore District,
Coimbatore.



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S.M.SUBRAMANIAM, J.

Jeni

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