



W.P.No.5861 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5861 of 2023

R.Jayabalan

.. Petitioner

Vs

1.The District Collector,
Coimbatore.

2.The District Revenue Officer,
Coimbatore.

3.The Revenue Divisional Officer,
Coimbatore.

4.The Tahsildar,
North Tahsildar Office,
Dr.Balasundaram Road,
Coimbatore-641 018.

5.K.Hamsaraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's representation dated 6.12.2022 on merits within the time limit fixed by this Court.



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For the Petitioner : Mr.L.Mouli

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 4

ORDER

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

R.Jayabalan, son of Raj, a resident of No.28, M.G.R. Colony, Edyarpalayam, Coimbatore, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 4 to consider the petitioner's representation dated 6.12.2022 and to remove the encroachment made by the fifth respondent in the Nilaviyal Pathai situated in S.F.No.839/1 and the poramboke land situated in S.F.No.879 at No.24, Veerapandi Village.

2. Mr.L.Mouli, learned counsel appearing for the petitioner, drawing our attention to a copy of 'A' Register, which reveals that the lands in Survey No.839/1 and Survey No.879 at No.24 Veerapandi Village, are classified as "Nilaviyal Pathai" and "poramboke" respectively, submitted that the aforesaid land has



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been illegally encroached upon by the fifth respondent by putting up fencing stones and thorny bushes, thereby preventing the petitioner from using the Nilaviyal Pathai and the poramboke land. The petitioner sent a representation on 6.12.2022 to respondents 1 to 4, but the same did not evoke any response. Hence, the petitioner has been advised to file the present writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 to 4, submitted that, if four weeks' time is granted, the respondent authorities will conduct a survey of the lands in question and thereafter remove the encroachment, if any, after giving notice to the encroacher.

4. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to respondents 1 to 4 to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after issuing notice to the encroacher. The entire exercise is to be completed



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within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
28.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

- 1.The District Collector,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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