



WEB COPY



W.P.No.24446 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.24446 of 2018

S.R. Thilak

.. Petitioner

Versus

1. The District Collector
Collectorate
Coimbatore District.
2. The Tahsildar
Perur, Coimbatore
3. Executive Officer
Alandurai Town Panchayat
Alandurai, Coimbatore.
4. Karunya Institute of Technology & Science,
(Deemed to be University)
Rep. by its Registrar, Karunya Nagar,
Coimbatore - 641 114.

(R4 impleaded vide order dated 10.06.2019,
made in WMP.No.7962/2019 in WP.No.24446/2018)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove the encroachments made in the Perumal Kovilpathi to Kalathukaadu Cart-Road track situated in Alandurai Village, Coimbatore District by the people residing between S.F.No.1 to S.F.No.39 of the Alandurai Village, by considering the representation dated 16.06.2018.



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For Petitioner : Mr. MA.P. Thangavel
For R1 & R2 : Mr. A. Selvendran
Special Government Pleader
For R3 : Mr. I. Sathesh
For R4 : Mr. P. Ebenezer Paul

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to consider his representation dated 16.06.2018 and to remove the encroachments made in the Perumal Kovilpathi to Kalathukaadu Cart-Road track in S.F.No.1 to S.F.No.39 of the Alandurai Village, Coimbatore District.

2. In the affidavit filed in support of the writ petition, it is stated by the petitioner that he is carrying on agricultural activities in the land in S.F. No.43/5 and S.F. No. 39 measuring an extent of 7 acres and 70 cents. It is further stated that the petitioner and others in the Village are using a cart track in S.F. No. 1 to 39 for a long time for their ingress and egress, but it was encroached by the Villagers. It is also stated that due to such encroachment, the ingress and egress to the petitioner and others in the Village has been obstructed and they find it difficult to transport their agricultural produce. In



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in this context, the petitioner submitted a representation dated 22.11.2017 to the respondents 1 to 3 and on receipt of the same, the first respondent in his proceedings dated 08.12.2017 directed the second respondent to take appropriate action. However, the second respondent has not taken any action and hence, the petitioner sent another representation dated 16.06.2018 to the respondents 1 to 3 and the same is pending. Since no action has been taken on the representations submitted by the petitioner for removal of the encroachments, the petitioner has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner reiterated the averments in the affidavit filed in support of the writ petition and submitted that the inaction on the part of the respondents 1 to 3 warrants issuance of a Mandamus by this Court to consider the representations submitted by the petitioner and to pass orders thereon within a time limit to be specified by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 & 2 submitted that the representation dated 16.06.2018 of the petitioner would be considered, if not already considered and appropriate order will be passed by the second respondent.



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5. Considering the limited nature of the relief sought for, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 16.06.2018, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioner, the same shall be removed, after following due process of law.

6. With the aforesaid direction, this writ petition stands disposed of.

No costs.

[R.M.D., J] [M.S.Q., J]
14.02.2023

Index : Yes / No
Internet : Yes / No
av/rsh

To

1. The District Collector,
Collectorate, Coimbatore District.
2. The Tahsildar,
Perur, Coimbatore.
3. Executive Officer,
Alandurai Town Panchayat,
Alandurai, Coimbatore.



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

av/rsh

WP No. 24446 of 2018

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