



W.P.No.20925 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20925 of 2023

1. V.Chitra
2. N.Maragatham
3. Dr.D.Muthukumarasamy
4. S.Chandrasekar

.. Petitioners

Vs.

1. The District Collector
District Collector's Office
Coimbatore 641 018.
2. The Sub Collector
Sub Collector's Office
Pollachi 642 001.
3. The Tahsildar
Tahsildar Office
Pollachi 642 001.
4. The Commissioner
Pollachi Municipality
Palakkad Road
Pollachi 642 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to take necessary steps to remove the encroachment in the entrance of 40 feet road which forms the northern boundary of Plot Nos.2, 3, 4 and 6 bearing T.S.Nos.1307, 1306, 1305 and 261 formed in part of 10.98 acres in T.S.No.261 bearing T.S.Ward No.2 (as per Re-Survey T.S. Ward No.B, Block No.26) near "Jothi Nagar", Pollachi Town, Pollachi Taluk and to provide access to petitioners' house sites.

For the Petitioners : Ms.S.Akila

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 3

Mr.B.Anand
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.S.Akila, learned counsel for the petitioners, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3 and Mr.B.Anand, learned counsel for the fourth respondent.

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2. Learned counsel for the petitioners submits that encroachment has been made by the third persons on the road. The road has been gifted to the Municipality by the owner of the property who had prepared the layout. In view of the encroachment, the ingress and egress is being affected of the petitioners and of the persons in the layout.

3. The persons allegedly encroaching the road are not parties before us. We cannot pass a positive order.

4. The petitioners have given a representation to the fourth respondent bringing to its notice the alleged encroachment. The fourth respondent may consider the said representation dated 19.04.2023 on its own merits and in accordance with law and may take suitable steps as may be permissible under law. The steps in accordance with law, including observance of Principles of Natural Justice, may be taken preferably within a period of nine months from



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the date of receipt of a copy of this order.

5. The writ petition is disposed of. There will be no order as to costs. As the petitioners have paid separate sets of court-fee, W.M.P.No.20303 of 2023 stands allowed.

(S.V.G., CJ.)

(P.D.A., J.)

17.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
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Tahsildar Office, Pollachi 642 001.
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(kpl)

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