



W.P.Nos.31318 and 12796 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

**W.P.Nos.31318 of 2019 & 12796 of 2021
and WMP.No.31483 of 2019**

S.Sarojini

... Petitioner in both W.P.s
Vs.

- 1.The District Collector,
Collectorate, Coimbatore,
Coimbatore District.
- 2.The Tahsildar,
Sulur, Coimbatore District.
- 3.The Block Development Officer,
Block Development Office,
Sulur Block, Sulur.
- 4.Kangayanpalayam Panchayat,
Rep. by its Secretary,
Kangayanpalayam, Sulur Taluk,
Coimbatore District.

.. Respondents in both W.Ps.



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Prayer in W.P.No.31318 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation dated 13.12.2018 of the petitioner and consequently direct the respondents to take appropriate action to remove the unauthorized illegal structure/ construction put up in S.No.9/6 in the village of Kangeyanpalayam, Sulur Taluk Coimbatore District.

Prayer in W.P.No.12796 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the authorities to take suitable legal action as against the culprits based on the representation of the petitioner dated 19.02.2021.

For Petitioner : Mr.D.Muthukumar
W.P.No.31318/2019 for M/s.Paul and Paul
W.P.No.12796/2021 Mr.L.P.Shanmugasundaram

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader for R1 to R4

COMMON ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The case of the petitioner is that she purchased a land for a sale consideration of Rs.50,000/- to an extent of 51 cents in S.No.9 and R.S.No.9/2A along with the right to use the well situated in S.No.9/6, Kangeyampalayam Village, Sulur Taluk and with other rights to use the Cart Track, pathway, water channel etc. under a Sale Deed dated 31.10.2002. Subsequently, patta was also



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issued in favour of the petitioner for the said land. The petitioner had purchased the said land from one Periyaramasamy Gounder, who was the original owner and adjacent to the aforesaid property, without obtaining any permission from the authorities, plots were subdivided and named as "Rajthani Garden". Apart from that, they forced to sell the petitioner's property as well. According to the petitioner, Gift Deed was executed by the Layout promoters to the Panchayat, over the land which was earmarked for park and the local residents have constructed Vinayagar Temple in the place earmarked for public purpose. The petitioner further submitted that the entire layout has not been approved by the authorities and therefore, unapproved layout has been sold to 3rd parties and therefore, he has filed W.P.No.31318 of 2019 for a direction to the respondents to consider her representation dated 13.12.2018 seeking to remove the unauthorized illegal structure / construction. W.P.No.12796 of 2021 has been filed seeking for a direction to the respondents to take suitable action for restoring the well in the original position.



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2. Counter affidavit has been filed stating that the Well has been closed based on the Gift Deed executed by the developers and therefore, the petitioner cannot have any right for the aforesaid claim for the well situated in the property in question.

3. The dispute regarding title of the property can be decided only by a competent Civil Court and if there is any violation or illegal closure of the well by the Panchayat, it is for the first respondent / District Collector to take appropriate decision.

4. The learned counsel for the petitioner submitted that though Panchayat is the competent authority to take necessary action, the electricity service connection stands in the name of the Panchayat and therefore, made a request that the petitioner will make a fresh representation pointing out all the irregularities to the District Collector and the same may be considered in accordance with law.



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5. Considering the aforesaid submission, this Court, without venturing into the merits of the case on the allegation that the temple has been constructed in the land earmarked for park, without obtaining any permission from the authorities and unapproved layouts have been sold to third parties, directs the petitioner to make a fresh representation to the first respondent / District Collector pointing out the irregularities, within a period of one week from the date of receipt of a copy of this order and on such representation being submitted, the first respondent shall consider the same, after giving opportunity to the interested parties concerned, and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

6. These Writ Petitions stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (P.D.B., J.)
21.06.2023

Intex : Yes/No
Internet : Yes/No
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D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.
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To

- 1.The District Collector,
Collectorate, Coimbatore, Coimbatore District.
- 2.The Tahsildar,
Sulur, Coimbatore District.
- 3.The Block Development Officer,
Block Development Office, Sulur Block, Sulur.
- 4.The Secretary,
Kangayanpalayam Panchayat,
Kangayanpalayam, Sulur Taluk, Coimbatore District.

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