



W.P.No.27715 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27715 of 2018

S.Saravanakumar

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Petitioner

Vs

1.The District Collector,
District Collector Office,
Coimbatore.

2.The Commissioner of Corporation,
Coimbatore.

3.The Tahsildar,
Coimbatore North,
Coimbatore District.

4.The Pollution Control Officer,
District Pollution Control Office,
Coimbatore.

5.KMCH Institute of Health and Science &
KMCH College of Pharmacy,
rep. by its Chairman Nalla Palanisamy,
No.940/1A4B, Kovai Estate,
Kalapatti Road,
Coimbatore-48.

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Respondents



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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 remove the encroachment made by the fifth respondent in the pond and its water ways situated at Kalapatti East Village, Coimbatore North Taluk, Coimbatore, comprised in Survey No.941/6, measuring an extent of 8.5 Acres and put the same to its original stage so that it can be effectively used by the public based on the petitioner's representations dated 2.7.2018, 16.7.2018 and 25.8.2018.

For the Petitioner : Mr.M.Vijayaragavan

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 3

: Mr.A.Arun Babu
Standing Counsel
for respondent No.2

: Mrs.Shanmugavalli Sekar
for respondent No.4

ORDER

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

Mr.N.Umapathi, learned Government Pleader submits that now he cannot appear for the fifth respondent and has intimated respondent No.5 in that regard.



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2. We have heard Mr.M.Vijayaragavan, learned counsel for the petitioner; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 3; Mr.A.Arun Babu, learned Standing Counsel for respondent No.2; and, Mrs.Shanmugavalli Sekar, learned counsel for respondent No.4.

3. The petitioner alleges encroachment by the fifth respondent in Survey No.941/6 by erecting a compound wall around the pond and that the fifth respondent is letting out waste materials.

4. Learned Special Government Pleader submits that the survey was conducted and as per survey, it was observed that a compound wall is unauthorisedly erected surrounding the waterbody. Learned Special Government Pleader submits that further action in accordance with law would be undertaken with regard to the said encroachment. The process would be commenced within six weeks from today.



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5. In view of the above, no orders are required to be passed on merits. The writ petition is, accordingly, disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

06.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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