



W.P.No.27812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.27812 of 2024

Velusamy

.. Petitioner

Vs

1.The District Collector,
Coimbatore.

2.The Tasildar,
Sulur Taluk,
Coimbatore District.

3.The President,
Varapatti Panchayat,
Sulur Taluk,
Coimbatore District.

4.Ponnammal

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to consider the objections of the petitioner dated 26.8.2024 and to conduct detailed survey in respect of entire public road at Ganapathy Nagar layout in S.No.712/1 and 712/2, Varapatti Village, Sulur Taluk, Coimbatore District before passing final orders



W.P.No.27812 of 2024

pursuant to the show cause notice dated 23.8.2024 issued by the second respondent.

For the Petitioner : Mr.M.Sivavarthanan
For the Respondents : Mr.S.Yashwanth
Addl. Government Pleader
for respondents 1 to 3

ORDER

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

The petitioner has filed the writ petition for issuance of a writ of mandamus directing the second respondent to consider the objection dated 26.8.2024 submitted by the petitioner and to conduct a detailed survey in respect of the entire public road at Ganapathy Nagar Layout in Survey Nos.712/1 and 712/2 of Varapatti Village, Sulur Taluk, Coimbatore District.

2. Learned counsel for the petitioner submitted that as against the notice dated 23.8.2024 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has submitted his objection on 26.8.2024, *inter alia*, seeking to conduct a survey



W.P.No.27812 of 2024

of the entire public road at Ganapathy Nagar Layout in Survey Nos.712/1 and 712/2. According to learned counsel for the petitioner, respondents 1 to 3 are bound to take uniform action against all the encroachers and should not show any disparity or bias in the matter of removal of encroachment. Apprehending dispossession without considering the objection of the petitioner dated 26.8.2024, the petitioner has filed the present writ petition.

3. Learned Additional Government Pleader appearing for respondents 1 to 3 submitted that the objection/request of the petitioner will be considered by the authority concerned and survey would be undertaken qua the entire road in question and, if any encroachment is found, thereafter, the authority concerned will take necessary action for removal of the encroachment.

4. Recording the said submission made by learned Additional Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to consider the objection dated 26.8.2024 of the petitioner and conduct survey of the entire road in



W.P.No.27812 of 2024

question and thereafter take necessary action for removal of the encroachment. The said exercise shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.P.No.30324 of 2024 is closed.

(D.K.K., ACJ.) (M.J.R., J.)
24.09.2024

Index : Yes/No
NC : Yes/No
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To:

- 1.The District Collector,
Coimbatore.
- 2.The Tasildar,
Sulur Taluk,
Coimbatore District.
- 3.The President,
Varapatti Panchayat,
Sulur Taluk,
Coimbatore District.



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W.P.No.27812 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
M.JOTHIRAMAN,J.

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W.P.No.27812 of 2024

24.09.2024