



WEB COPY



W.P.No.29967 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29967 of 2019
and W.M.P.No.29870 of 2019

M.Marimuthu

... Petitioner

-Vs-

1. The District Collector,
Coimbatore District, Coimbatore.
2. The Tahsildar,
Kinathukadavu Taluk, Coimbatore District.
3. The Executive Officer,
Kinathukadavu Peruratchi,
Kinathukadavu, Coimbatore District.
4. R. Balakumar

5. S. Palanisamy

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent No.3 from permitting laying of sewerage pipe line by the respondents 4 and 5 in the front portion before the entrance of the house property of the petitioner situated in Old Survey No.276/1, and Natham S.Nos.520/1, 520/6 Kinathukadavu Village, Door No.2/4, Bharathiyar Street, Singarampalayam, Kinathukadavu, Coimbatore District.

For Petitioner : Mr.K.Balasubramanian



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For R1 and R2 : for Mr.V.Ravi
: Mr.S.Jayachandran
Government Advocate
For R3, R4 and R5 : No appearance
ORDER

This writ petition has been filed forbearing the respondent No.3 from permitting laying of sewerage pipe line by the respondents 4 and 5 in the front portion before the entrance of the house property of the petitioner situated in Old Survey No.276/1, and Natham S.Nos.520/1, 520/6 Kinathukadavu Village, Door No.2/4, Bharathiyar Street, Singarampalayam, Kinathukadavu, Coimbatore District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record.

3. The petitioner owned property in Door No.2/4 Bharathiyar Street, Singarampalayam, Kinathukadavu, Coimbatore District and constructed a house. There is around 3 feet vacant land in front of his house in which the fourth and fifth respondents are attempting to lay sewage pipeline. Therefore, the petitioner lodged a complaint before the respondents 1 to 3 herein.



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4. A perusal of the counter filed by the third respondent revealed that the fourth respondent also lodged a complaint alleging that there is an encroachment made by the petitioner with respect to properties in front of their house. On receipt of the complaint from the petitioner and from the fourth and fifth respondents, the third respondent directed to remove the encroachment made by the petitioner as well as the fourth and fifth respondents, since the place in which the fourth and fifth respondents intended to lay sewage pipeline is a Government property and it is used as another pathway by general public. Therefore, no one can entitle to claim money and right or title over the said property.

5. Recording the above, this writ petition is closed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

12.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
mn

G.K.ILANTHIRAIYAN. J.

mn



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