



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.16403 of 2015

1.Arjunan

2.S.Santhini

... Petitioners

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Block Development Officer,
Boothapandi,
Thovalai Taluk,
Kanyakumari District.

3.The President,
Esathimangalam Village Panchayat,
Esanthimangalam,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned notice of the 3rd respondent dated 21.07.15 and quash the same and consequently forbear the respondents from interfering with our peaceful possession and enjoyment of the houses in S.No.143/5 and bearing Door. No.9-117 and 9-117/c Gnanadasapuram Esanthimangalam Thovalai Taluk Kanyakumari District.

For Petitioners : Mr.K.Esakki

For 1st Respondent : Mr.A.K.Baskarapandian,
Special Government Pleader.

For 2nd Respondent : Mr.Muthukaruppan, Addl.Govt.,Pleader

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

Challenging the impugned notice dated 21.07.2015 which is sequel to an earlier notice dated 12.07.2015, the present writ petition has been filed.

2.The grievance of the petitioners appears to be that they want to remove encroachment from the tank bund. It is stated that that the first notice dated 12.07.2015 has not been served on them, however, the second notice dated 21.07.2015 which is impugned in this writ petition has been served.

3.The date fixed in the present notice for removing the encroachment is 05.08.2015 much water has flown and today we are on 09.09.2015 almost one month has elapsed. Therefore, we are not inclined to entertain the writ petition. If any interim or final order is passed,

it would amount to set the clock back. It is always open to him to make a fresh representation seeking appropriate relief, if the petitioner does have a justifiable cause.

4.The writ petition is accordingly dismissed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Block Development Officer,
Thovalai Taluk,
Bhoothapandi,
Kanyakumari District.

3.The President,
Esathimangalam Village Panchayat,
Esanthimangalam, Thovalai Taluk,
Kanyakumari District.

+1cc to M/s.K.Esakki, Advocate in SR.No.53526

+1CC to the Special Government Pleader, in SR.No.53591

Writ Petition (MD) No.16403 of 2015
09.09.2015

sms

PBK/SK-SKN 23/09/2015 ::2P-6C::