



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Writ Petition (MD) No.19371 of 2015

Aadhi Kesava Perumal  
Seva Arakattalai,  
Rep by its President,  
N.Thangappan  
Sanalkarai, Kangkarai,  
Thiruvattar, Thiruvattar Post,  
Kanyakumari District 629 177

... Petitioner

Vs.

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The Divisional Engineer,  
Highways, Construction and Maintenance,  
Nagercoil, Kanyakumari District.

3.The Assistant Divisional Engineer,  
Highways, Construction and Maintenance,  
Thuckalay, Kanyakumari District.

4.The Assistant Engineer,  
Highways, Construction and Maintenance,  
Thuckalay, Kanyakumari District.

5.The Tahsildar,  
Kalkulam at Thuckalay,  
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachment in both side in the bus stand No.9/6 Thiruvattar - Colachel Highway and pass such other order or further orders as this Court.

For Petitioner  
For Respondents

: Mr.T.Selvakumaran  
: Mr.B.Pugalenth,  
Special Government Pleader.

ORDER

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

The petitioner has come forward with this writ petition seeking for a direction to the respondents to remove the encroachment Thiruvattar - Colachel Highway No.9/6.



2. According to the petitioner, some persons have encroached by parking vehicles both sides of the road. Therefore, he has made representation to the respondent on 02.04.2013. The second respondent passed an order directing the Tahsildar, Kalkulam to survey the land and mark boundaries by proceedings dated 13.09.2013. Thereafter, no action has been taken. Hence, the present writ petition has been filed.

3. Perusal of records shows that the Highways Department has already initiated proceedings to remove encroachment and directed the fifth respondent to mark boundaries by proceedings dated 13.09.2013. Therefore, it is for the second respondent to remove encroachment after giving notice to all the parties concerned, so as to avoid allegations of violation of principles of natural justice as expeditiously as possible.

4. With the above direction, the writ petition is disposed of. No costs.

sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,  
Kanyakumari District,  
Nagercoil.

2. The Divisional Engineer,  
Highways,  
Construction and Maintenance,  
Nagercoil,  
Kanyakumari District.

3. The Assistant Divisional Engineer,  
Highways,  
Construction and Maintenance,  
Thuckalay,  
Kanyakumari District.

4. The Assistant Engineer,  
Highways,  
Construction and Maintenance,  
Thuckalay,  
Kanyakumari District.

5. The Tahsildar,  
Kalkulam at Thuckalay,  
Kanyakumari District.

+1cc to the special Government Pleader SR.No.63424

+1cc to Mr.T.Selvakumaran, Advocate SR.No.62924

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