



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24192 of 2016

A.George Raja

.. Petitioner

Vs.

1. The District Collector,
Nagercoil, Kanyakumari District.

2. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

3. The Tahsildar,
Nagercoil, Kanyakumari District.

4. The Executive Officer,
Alagappapuram Panchayat Union,
Alagappapuram, Kanyakumari District.

5. Neelavan

6.Sahaya Suganthi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment put up by the respondents 5 and 6 in southern side of petitioner's land situated in Survey No.447/15, Alagappapuram Village, Agasteeswaram Taluk to an extent of 0.08.0 m² based on the proceedings of the third respondent in Na.Ka.No.A1/5812/ 2016 dated:Nil/06/2016 and communication of first respondent in M2/40881/2016 dated 24.10.2016 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Saravanakumar

For Respondents 1 to 3: Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent No.4 : Mr.K.Mahesh Raja,
Government Advocate.

**ORDER****[Order of the Court was made by A.SELVAM, J.]**

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachment alleged to have been made by the respondents 5 and 6 in Survey No.447/15, Alagappapuram Village, Agasteeswaram Taluk, Kanyakumari District by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Alagappapuram Village, Agasteeswaram Taluk, Kanyakumari District, wherein Survey No.447/15 has been classified as Government street. The respondents 5 and 6 have encroached a portion of the same. Under the said circumstances, the third respondent has sent a communication to the fourth respondent to remove encroachment. But the fourth respondent has not done it and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 3 and Mr.K.Mahesh Raja, learned Government Advocate, has taken notice for the fourth respondent.

4.The learned counsel appearing for the petitioner has contended to the effect that despite of orders passed by the first and third respondents the fourth respondent has not removed encroachment alleged to have been made by the respondents 5 and 6 and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 has also conceded to the effect that Survey No.447/15, Alagappapuram Village has been classified as a street and the same belongs to the Government.

6.Further it is seen from the records that the third respondent has sent a communication to the fourth respondent wherein it has been clearly stated that in Survey No.447/15, an encroachment is in existence and the fourth respondent is bound to remove the same.

7.Considering the fact that Survey No.447/15 has been classified as street which belongs to Government and also considering the communication sent by the third respondent to the fourth respondent, this Court is of the view to give the following directions to the respondents 1 to 4.



8. In fine, this writ petition is allowed without costs and the respondents 1 to 4 are strictly directed to remove encroachment which is in existence in Survey No.447/15, Alagappapuram Village, Agasteeswaram Taluk, Kanyakumari District within a period of two months.

Sd/
Assistant Registrar (C.S-II)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil, Kanyakumari District.
2. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
3. The Tahsildar,
Nagercoil, Kanyakumari District.
4. The Executive Officer,
Alagappapuram Panchayat Union,
Alagappapuram, Kanyakumari District.

+1cc to M/s.S.Saravanakumar, Advocate, in SR No.81526.

+1cc to Special Government Pleader in SR.No.81439.

ORDER MADE IN
W.P (MD) No.24192 of 2016
16.12.2016

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