



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.20072 of 2014

C.M.Jery

... Petitioner

vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay post,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

4.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai & Post,
Kanyakumari District.

5.The Executive Engineer,
Public Works Department (WRO),
Kothaiyaru Drainage Division,
Nagercoil, Kanyakumari District.

6.The Assistant Executive Engineer,
PWD (WRO), Kothaiyaru,
Cheruppalure,
Kanyakumari District.

7.The Assistant Engineer,
Neyyar Division - I,
Kuzhithurai,
Kanyakumari District - 629 123.

8.Sornababu

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 1 to 7 to remove the encroachment made by the 8th respondent in Re-Survey Nos.220 and 221 of Kaliakkavilai Village, Vilavancode Taluk, Kanyakumari District within the time stipulated by this Court.



For Petitioner : Mr.M.R.Sreenivasan
For RR - 1 to 7 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For R - 8 : Mr.S.Senthil Sankaranatha Kumar

WEB COPY

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 7 to remove the encroachment made by the eighth respondent in Re-Survey Nos.220 and 221 at Kaliakkavilai Village, Vilavancode Taluk, Kanyakumari District.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor for the respondents 1 to 7 and the learned counsel for the eighth respondent.

3.The case of the petitioner is that his father has gifted some extent of lands in R.S.Nos.220 and 221 at Kaliakavilai Village, Vilavancode Taluk, Kanyakumari District to the Government for agricultural purpose and also for the purpose of constructing a channel. While so, one Seronmani has encroached the said land and sold the same to the eighth respondent. Despite several representations have been given to the respondents 1 to 7, no action has been taken so far to remove the encroachment. Hence, the petitioner is before this Court with the above prayer.

4.The learned Additional Government Pleader appearing for the respondents 1 to 7 fairly submitted that survey will be conducted in the disputed area by the third respondent and if any encroachment is found, appropriate steps will be taken by the respondents 5 to 7 to remove the same.

5.In view of the above submission, the third respondent is directed to survey the disputed land in the presence of the petitioner as well as eighth respondent and file a report before the respondents 5 to 7. On such report being filed, if any encroachment is found, the respondents 5 to 7 are directed to remove the same forthwith.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Kanyakumari District at Nagercoil.



2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay post,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

4.The Executive Officer,
Kaliyakkavilai Town Panchayat,
Kaliyakkavilai & Post,
Kanyakumari District.

5.The Executive Engineer,
Public Works Department (WRO),
Kothaiyaru Drainage Division,
Nagercoil, Kanyakumari District.

6.The Assistant Executive Engineer,
PWD (WRO), Kothaiyaru,
Cheruppalure, Kanyakumari District.

7.The Assistant Engineer,
Neyyar Division - I,
Kuzhithurai,
Kanyakumari District - 629 123.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 86584

+1cc to Mr.M.R.SREENIVASAN Advocate in SR. No. 86492

+1cc to Mr.S.SENTHIL SANKARANATHA KUMAR Advocate in SR. No. 86719

MJ

JS/SKN.RSK/SAR.2/17.11.2017/3P-11C

W.P(MD) No.20072 of 2014
09.11.2017