



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.01.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.5565 of 2015

and

M.P(MD)No.1 of 2015

C.Kannan

... Petitioner

Vs.

1.The District Collector
Kanyakumari District,
Kanyakumari.

2.The Tahsildar
Agasteeswaram, Kanyakumari,
Kanyakumari District.

3.The Revenue Inspector,
Kanyakumari, Kanyakumari District.

4.The Village Administrative Officer
Kottaram, Kanyakumari District.

5.The Village Assistant
Kottaram, Kanyakumari District.

6.S.Thiruvalliparpan,
Son of Subramaniyapillai
Clerk, Kottaram Village Office
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ Mandamus, forbearing the respondents in any way evicting the petitioner from the land situated at S. No. 333/2 admeasuring 8 cents Perumalpuram, Kottaram Taluk, Kanyakumari, Kanyakumari District except due process of law.

For Petitioner : Mrs.S.Srimathy

For R1 to R5 : Mr. C.Selvaraj

Special Government Pleader

O R D E R

The petitioner seeks for a Mandamus forbearing the respondents in any way evicting the petitioner from the land situated at S.No.333/2 admeasuring 8 cents Perumalpuram, Kottaram Taluk, Kanyakumari, Kanyakumari District except due process of law.

2. According to the petitioner, he is in possession and enjoyment of the above-said land for long number of years and he is sought to be evicted forcibly at the instance of the 6th respondent, who is the President of the panchayat, without having any valid reason.

3. Though this Court has adjourned the matter on 16.12.2016 so as to enable the Special Government Pleader to get instruction, the learned Special Government Pleader is not in a position to inform this Court as to the present state of affairs, when the matter is taken up today. He submitted that inspite of his notice, the respondents have not instructed him so far.

4. The learned counsel appearing for the petitioner submitted that the petitioner is still in possession and enjoyment of the property.

5. Considering the above-stated facts and circumstances, this writ petition is disposed of with a direction to the respondents not to evict the petitioner from the above-said property except by due process of law, if the petitioner has not been evicted already. Needless to say that this Court, while passing this order, has not expressed its view on any of the claim made by the petitioner to retain the possession of the property, as it is for the competent authorities to consider and decide, while taking any action against the petitioner for eviction in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

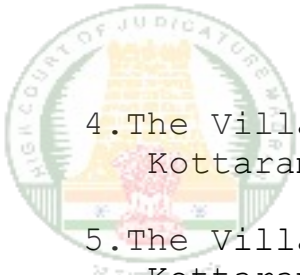
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To

1. The District Collector, Kanyakumari District,
Kanyakumari.

2. The Tahsildar, Agasteeswaram, Kanyakumari,
Kanyakumari District.

3. The Revenue Inspector,
Kanyakumari, Kanyakumari District.



4.The Village Administrative Officer
Kottaram, Kanyakumari District.

5.The Village Assistant
Kottaram, Kanyakumari District.

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+1CC to Mr.S.M.S.Jonny Basha, Advocate Sr.No.3171

+1CC to Spl.Government Pleader Sr.No.3408

GJM/BS/MR/6.2.17-3p-8c

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and

M.P (MD) No.1 of 2015
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