



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 07.08.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**

**and**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD)No.5849 of 2015

and

M.P.(MD)No.1 to 3 of 2015

and

W.M.P.(MD)No.9257 of 2016

V.Mathiyas

... Petitioner

Vs.

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

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

3.The Revenue Divisional Officer,  
Padamanabhapuram, Thuckalai,  
Kanyakumari District.

4.Ponnambalam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent pertaining to its order bearing Na.Ka.No.2/30598/2010 dated 09.02.2015 and to quash the same and consequently direct the respondents to take appropriate action to maintain the pathway which connects the Irenipuram-Nesarpuram Road by removing the unauthorised construction in Survey No.357 of Nattalam Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner

: Mr.S.C.Herold Singh

For R1 to 3

: Mr.M.Govindan

Special Government Pleader

For Advocate Commissioner

: Ms.M.Maria Vinola

For R 4

: Mr.M.Ajmal Khan,

Senior Counsel

For Mr. H.Thayumanaswamy

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN,J.]

This writ petition has been filed challenging the order dated 09.02.2015 passed by the second respondent herein, declining to remove the encroachment in Survey No.357, Nattalam Village, Vilavancode Taluk, Kanyakumari District.

2. According to the writ petitioner, the fourth respondent herein had put up a temple in the vicinity and also blocked the writ petitioner's access to his residence bearing Door No.7/162, Kallukkotam, Nattalam Village, Vilavancode Taluk, Kanyakumari District.

3. When the matter was taken up on earlier occasions, this Court made it clear that if the grievance of the writ petitioner is not addressed, a direction would be given to the revenue authorities for undertaking survey and removing the encroachment in question. Today when the matter was taken up, it was submitted by the learned Senior counsel appearing for the fourth respondent that a 12 feet access path has been provided and that the writ petitioner can conveniently take his vehicle including four wheeler from the main road to his house.

4. The learned counsel for the writ petitioner also confirmed the veracity of the said submission. Now, that a 12 feet access has been provided for the writ petitioner, the grievance of the writ petitioner no longer survives. The jurisdictional Tahsildar is directed to ensure that the access now provided, continues to remain free of any encroachment.

5. This writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Kanyakumari District,  
At Nagercoil.
  2. The District Revenue Officer, Kanyakumari District,  
At Nagercoil.
  3. The Revenue Divisional Officer,  
Padamanabhapuram, Thuckalai, Kanyakumari District.
- +One cc to Mr.S.C.Herold Singh, Advocate, SR.No.70774  
+One cc to Mr.H.Thayumanasamy, Advocate, SR.No.71011  
+One cc to The Special Government Pleader, SR.No.71476