



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.9315 of 2014

I.Devaram Justin

: Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil-629 001.

2. The Revenue Divisional Officer,
Nagercoil-629 001,
Kanyakumari District.

3. The Deputy Director,
Health Services,
Nagercoil,
Kanyakumari District.

4. The President,
Melasankarankuzhi First Grade,
Village Panchayat,
Melasankarankuzhi,
Santhapuram Post-629 001,
Kanyakumari District.

5. V.Asir Victor Singh,

6. I.Johnrose (Died)

7. E.Robin Selvaraj

8. C.Samuel Kumar

9. The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

: Respondents

(Respondent No.9 is suo motu impleaded as per
order of this Court dated 04.09.2017 in
W.P. (MD).No.9315 of 2014)

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, directing the
respondents one and two to take appropriate action to remove the
encroachments made by the respondents five to eight in Re-Survey
No.191/7, 249/2 and 345/2 of Vembanoor West Village, Agasteeswaram
Taluk, Kanyakumari District, by considering the petitioner's
representation dated 09.12.2013.



For Petitioner : Mr.M.Dennis Joe
For R.1 to R.3, R.9 : Mr.M.Govindan
Special Government Pleader
For Respondent No.4 : Mr.M.Rajarajan
For Respondent No.6 : Mr.S.Meenakshi Sundar
For Respondent No.7 : Mr.T.Cibi Chakraborty
For R.5 & R.8 : No Appearance

O R D E R

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

The writ petitioner seeks a direction for removal of the encroachments made by the respondents 5 to 8 in Re.Survey No.191/7, 249/2 and 345/2 of Vembanoor West Village, Agasteeswaram Taluk, Kanyakumari District. He has already given a representation dated 09.12.2013 in this regard.

2.When the matter was taken up for final disposal, the learned Counsel appearing for the seventh respondent submitted that the seventh respondent has not committed any encroachment. It appears that the sixth respondent is no more. The authority competent to remove the encroachments in question is Tahsildar, Agasteeswaram Taluk, Kanyakumari District. He is impleaded *suo motu* as the ninth respondent. The ninth respondent shall conduct fresh survey in respect of the land in question. If encroachment is noticed, the ninth respondent shall issue notices to the concerned parties and after following due process of law remove the encroachments in question. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

3.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,

<https://hcservices.accounts.gov.in/hcservices/> 001.



2. The Revenue Divisional Officer,
Nagercoil-629 001, Kanyakumari District.

3. The Deputy Director,
Health Services,
Nagercoil, Kanyakumari District.

4. The President,
Melasankarankuzhi First Grade,
Village Panchayat,
Melasankarankuzhi,
Santhapuram Post-629 001,
Kanyakumari District.

5. The Tahsildar,
Agastheeswaram Taluk, Kanyakumari District.

+1cc to Mr.T.Cibi Chakraborty, Advocate Sr.No.76485

+1cc to Mr.M.Dennis Joe, Advocate Sr.No.76420

+1cc to The Spl.Government Pleader Sr.No.76961

TSG

VB/SKN/RSK/SAR1/25/10/2017/3P/9C

**Order made in
W.P. (MD) No.9315 of 2014
dated: 04.09.2017**