



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12821 of 2017

R.Reeta

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Project Director,
National High Way Authority of India,
(Ministry of Road Transport and high Ways)
Office of the Project Director),
PIN, Kanyakumari,
Door No.13, Travelers Bungalow Road,
Kamaraj Nagar - 1st Street,
Valliyoar, Tirunelveli District - 627 117.
3. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.
- 4 .The Divisional Engineer,
National Highways,
Nagercoil,
Kanyakumari District.
5. The Commissioner,
Kuzhithurai Municipality,
Kanyakumari District.

.. Respondents

[R-5 is suo motu impleaded vide order dated 22.08.2017]

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the illegal encroachment made in the Salai Puramboke T.S.No.D9/74 of Nalloor Village, Vilavancode Taluk, Kanyakumari District (N.H.47) within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent

No.1, 3 and 4

: Mr.M.Govindan

Special Government Pleader

For Respondent No.2 : Mr.K.K.Senthilvelan

**O R D E R**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The report submitted by the Tahsildar, Vilavancode Taluk, Kuzhithurai, Kanyakumari District, indicates that there is an encroachment. The authority to remove such encroachment is the Commissioner, Kuzhithurai Municipality.

2. The Commissioner, Kuzhithurai Municipality, Kanyakumari District, is *suo motu* impleaded as fifth respondent.

3. The third respondent is directed to forward a copy of the report to the fifth respondent forthwith. On receipt of the report, the fifth respondent shall take appropriate action for removal of encroachment. It is needless to point out that notice should be given to the encroachers before taking action for removal of such encroachment. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

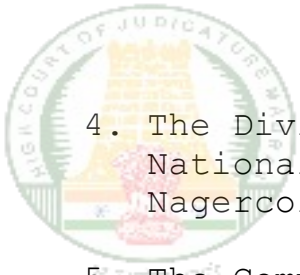
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District, Nagercoil.
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Office of the Project Director),
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3. The Tahsildar,
Vilavancode Taluk, Kuzhithurai,
Kanyakumari District.



4. The Divisional Engineer,
National Highways,
Nagercoil, Kanyakumari District.

5. The Commissioner,
Kuzhithurai Municipality,
Kanyakumari District.

+1cc to The Spl.Government Pleader Sr.No.74304
+1cc to Mr.M.R.Sreenivasan, Advocate Sr.No.74063
+1cc to Mr.K.K.Senthilvelan, Advocate Sr.No.73783

NB

VB/JC/SAR2/08/09/2017/3P/9C

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22.08.2017