



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.09.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.17028 and 17029 of 2017
and
W.M.P.(MD) Nos.13599 to 13601 of 2017

Lakshmi

... Petitioner in
W.P.17028/17

Palanithai

... Petitioner in
W.P.17029/17

Vs.

1. The District Collector,
Kanyakumari District,
at Nagercoil.
2. The Tahsildar,
Agastheeswaram Taluk,
at Nagercoil,
Kanyakumari District.
3. The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.
4. Balashankar

... Respondents in both
petitions

Prayer : Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the third respondent pertaining to the common impugned order passed in Na.Ka.No.53/2016 dated 17.08.2017 and quash the same.

For Petitioner in
both petitions

: Mr.P.M.Vishnuvarthanan

For Respondents

: Mr.M.Govindan, Spl.G.P.
For RR1 to 3

**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The petitioners herein had earlier moved this Court challenging the orders passed by the third respondent demanding removal of the encroachments by the writ petitioners. This Court quashed those orders on the ground of violation of principles of natural justice. The matter was remanded to the file of the third respondent with liberty to proceed afresh in accordance with law. Thereafter, the third respondent conducted a survey after issuing notices to the writ petitioners. Even after survey, it was confirmed that the subject land in S.No.721 in Shenbagaramapuram, Anjugramam is a cart track. The writ petitioners have earlier represented to the revenue authorities seeking issuance of patta. Therefore, admittedly, the writ petitioners have no claim over the subject land. Since the third respondent after survey has confirmed that the land in question is a cart track, we have to necessarily sustain the impugned orders in these writ petitions.

2.It appears that the writ petitioners are owning patta lands and the encroachment is made by way of extension of their dwelling houses. If the authorities forcibly demolish the encroached portions, it may affect the buildings.

3.Therefore, we give three months time to the writ petitioners to remove the encroachments on their own. If by 22.12.2017, the writ petitioners have not removed the encroachments voluntarily, it is open to the authorities to enforce the order impugned in these writ petitions.

4.With these observations and directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
at Nagerocil.

2. The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.



3. The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.

+ 1 CC TO MR.P.M.Vishnuvarthanan, ADVOCATE IN SR No.78586
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.78624

skm/arul

MK/SKN RSK/SAR-2/27.09.2017/3P/6C

W.P (MD) No.17028 and 17029 of 2017
and
W.M.P. (MD) Nos.13599 to 13601 of 2017
11.09.2017