



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.1825 of 2017
and
W.M.P(MD)No.1505 of 2017

Sesammal

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

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

3.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

4.The Executive Engineer,
PWD, Nagercoil,
Kanyakumari District.

5.The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

6.Chellappan

7.Johnson

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents No.6 and 7 who already blocked the Oodai and convert it as Oodai comprised in Town Survey No.G5/17-2 situated at Neendakarai "A" Village, Agasteeswaram Taluk, Kanyakumari District based on the petitioner's representation dated 09.01.2017 according to law within a stipulated time.



For Petitioner : M/s.A.Elis Chitra Devi
For Respondents 1 to 4 : Mr.D.Murugananthan
Additional Government Pleader.
For Respondent No.5 : Mr.P.Athimoola Pandian

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ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 5 to remove encroachments alleged to have been made by the respondents 6 and 7 in Town Survey No.G5/17-2 situated at Neendakarai "A" Village, Agasteeswaram Taluk, Kanyakumari District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Ranithottam, Nagercoil, Agasteeswaram Taluk, Kanyakumari District. Further it is averred in the petition that Town Survey No.G5/17-2 has been shown as an Oodai, wherein the respondents 6 and 7 have made certain encroachments and for the purpose of removing the same, a representation has been given on 09.01.2017, but no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 4 and Mr.P.Athimoolapandian, learned counsel, has taken notice for the fifth respondent.

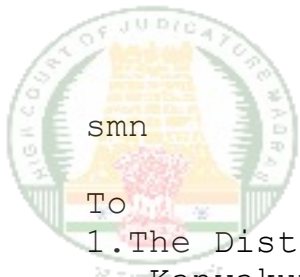
4.It is seen from the records that Town Survey No.G5/17-2, Neendakarai "A" Village has been classified as an Oodai. Further it is seen from the records that on 09.01.2017 a representation has been given by the petitioner to the concerned authorities. But no action has been taken.

5.Considering the aforesaid factual circumstances, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed without costs and the respondents 1 to 5 are strictly directed to remove all encroachments which are in existence in Town Survey No.G5/17-2, Neendakarai "A" Village, Agasteeswaram Taluk, Kanyakumari District under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)



To

1.The District Collector,
Kanyakumari District at Nagercoil.

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

3.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

4.The Executive Engineer,
PWD, Nagercoil,
Kanyakumari District.

5.The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.

+1CC to Spl.Government Pleader Sr.No.6285

+2CC to Mr.A.Elis Chirta Devai, Advocate SrNo.5875

Gjm/RSK/SAR-2-6.2.17-2p-9c

ORDER MADE IN
W.P (MD) No.1825 of 2017
and
W.M.P (MD) No.1505 of 2017
03.02.2017