



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2719 of 2017

M.Amal Raj

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil - 1.
2. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
3. The Executive Officer,
Karungal Selection grade panchayat,
Karungal - 629 157,
Kanyakumari District.
4. The Village Administrative Officer,
Karungal - 629 157, Kanyakumari District.

- 5.Albert Anbu Raj
- 6.Gabriel Anbu Raj

.. Respondents

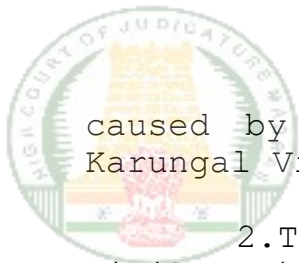
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the 5th and 6th respondents in Re Sy.No.614/1 of Karungal Villge, Vilavancode Taluk, Kanyakumari District and consider the petitioner's representation dated 28.10.2016.

For petitioner : Mr.S.Ramakrishnan
For R1, R2 and R4 : Mr.M.Govindan
Special Government Pleader.
For R3 : Mr.K.Maheshraja
For R5 and R6 : Mr.RM.Arunswaminathan

O R D E R

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

The petitioner filed this writ petition to direct the respondents 1 to 4 to remove the encroachment stated to have been



caused by the fifth and sixth respondents in Re.Sy.No.614/1 of Karungal Village, Vilavancode Taluk, Kanyakumari District.

2.The documents available on record indicate that there was a civil suit in O.S.No.682 of 1993 between the predecessor in interest of the petitioner and the fifth respondent. The property in Re.Sy.No.614/10B, was also an item Shown in the suit schedule property. The suit for injunction was dismissed. The present writ petition is filed in continuation of the earlier litigation. We therefore do not find any public interest involved in this matter.

3.We make it clear that this order would not stand in the way of the respondents 1 to 4 from taking action against the respondents 5 and 6, in case construction was made in the property in Re.Sy.No.614/1.

4.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
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Kanyakumari District.
4. The Village Administrative Officer,
Karungal - 629 157,
Kanyakumari District.

+ 1 CC TO Mr.D.CHRISTENSON JUGUNU, ADVOCATE IN SR No. 70417
+ 1 CC TO Mr.R.M.ARUN SWAMINATHAN, ADVOCATE IN SR No. 70459
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70266

MM/NS

TE/MR-KKR/SAR-II : 01/09/2017 : 2P/8C