

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.8345 of 2017**

C.Suresh

... Petitioner

Vs.

1.The Assistant Director,
Town Panchayats,
District Collector Office,
Nagercoil,
Kanyakumari District.

2.The Executive Officer,
Arumanai Panchayat,
Arumanai Post,
Kanyakumari District.

3.Sathis

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to remove the compound wall put up by the 3rd Respondent in the property gifted to Arumanai Panchayat, Vilavangode Taluk, Kanyakumari District and further directing the 1st and 2nd respondents to take action on the petitioner's representation dated 20.04.2017.

For Petitioner

: Mr.H.Elango

For R.1 & R.2

: Mr.J.Gunaseelan Muthiah,
Government Advocate.

O R D E R

This writ petition has been filed, seeking to direct the 2nd respondent to remove the compound wall put up by the 3rd Respondent in the property gifted to Arumanai Panchayat, Vilavangode Taluk, Kanyakumari District and further directing the 1st and 2nd respondents to take action on the petitioner's representation dated 20.04.2017.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that he purchased the property situated at Vellangodu Village, Vilavancode Taluk, Kanyakumari District in S.Nos.69/2 and 69/3, measuring 2 cents 275



lings and his son gifted an extent of 1 cent 725 sq.lings to the 2nd respondent Arumanai Panchayat for the purpose of laying a road, drainage, electricity and water supply and the 2nd respondent has also completed the said work. The grievance of the petitioner is that one Sathish, who is the neighbour of the petitioner has trespassed into the property that was gifted to the Panchayat and built a compound wall in the gifted premises. Hence, he made a representation to the respondents, dated 29.03.2017 for removal of encroachment, for which, the 2nd respondent replied that the panchayat had not given any permission to build the same and hence he made another representation dated 20.04.2017 to the respondents to demolish the compound wall, since the petitioner has no pathway to reach his residence and since the same was not considered by the respondents, the petitioner is before this Court.

4. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the respondents 1 and 2 to consider the representation of the petitioner dated 20.04.2017 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+1cc to The Special Government Pleader in SR. No.70614

+1cc to Mr.H.Elango Advocate in SR. NO.69955

RM/AR

JS/JC/SAR.3/16.08.2017/2P-3C

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