



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

CORAM :

WEB COPY

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

W.P (MD) No.24609 of 2016
and
W.M.P (MD) .No.17740 of 2016

K.Packiamani

... Petitioner

vs.

1.The District Collector,
Kanyakumar District,
Nagercoil.

2.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

3.The Executive Officer,
Leepuram Village Panchayat,
Agasteeswaram Taluk,
Kanyakumari District.

4.Rajalakshmi

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to remove the encroachments made by the respondent No.4 by way of constructing compound wall in public street, which is used by the general public situated at S.No.455/12, Vijayanarayanapuram, Leepuram Post, Kanyakumari, Kanyakumari within the time frame.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.T.S.Mohamed Mohideen,
Addl. Govt. Pleader for R1 and R2.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J)

WEB COPY The learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to challenge the proceedings in relation to the Patta granted to the fourth respondent.

2.In view of the endorsement so made, this writ petition is dismissed as withdrawn, with liberty to challenge the proceedings in and by which the fourth respondent obtained Patta. We make it clear that in case any such application is made by the petitioner before the competent authority challenging the Patta issued to the fourth respondent, the same shall be considered and disposed of on merits and as per law, after giving opportunity of hearing to the petitioner and the fourth respondent. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Kanyakumar District,
Nagercoil.
- 2.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.
- 3.The Executive Officer,
Leepuram Village Panchayat,
Agasteeswaram Taluk,
Kanyakumari District.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.65372
+One cc to The Special Government Pleader, SR.No.65688
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RL/6C/2P/SKN/RSK/SAR1/1/8/2017

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