

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 29.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN****AND****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.19173 of 2013****and****M.P(MD)No.1 of 2013**

P.Johnsilin Saviour Raj

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.2.The Revenue Divisional Officer,
Thakkalay Revenue Division,
Thakkalay, Kanyakumari District.3.The Tahsildar,Vilavancode Taluk,
Kulithurai, Kulithurai Post,
Kanyakumari District.

4.S.Latha

5.Kanagam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take effective measurements by initiating proceedings under the Tamil Nadu Land Encroachment Act, 1905 for dispossessing the respondents 4 and 5 from the property bearing Survey Nos.154/6, 154/8 measuring to an extent of 10 cents each situated at Kunnathur Village, Vilathurai Panchayat, Munjeerai Panchayat Union, Vilavancode Taluk, Kanyakumari District forthwith on the basis of the petitioner's representation dated 23.09.2013.

For Petitioner : Mr.S.Authi Selvan

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader for RR1 to 3

Mr.M.Gnanagurunathan for R4

No appearance for R5.

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

The writ petitioner seeks removal of encroachments in Survey Nos.154/6 and 154/8 in Kunnathur Village, Vilathurai Panchayat, Munjeerai Panchayat Union, Vilavancode Taluk, Kanyakumari District. The writ petitioner submitted a representation dated 23.09.2013. Since no action was taken, the present writ petition came to be filed.

2.It is seen that patta has been granted in respect of the said properties. There are also other proceedings pending. The case on hand is riddled with factual disputes. This Court is therefore not in a position to grant relief in this writ proceedings. Dismissal of this writ petition would not however preclude the authorities from taking action in accordance with law for removal of encroachments, if any.

3.This writ petition stands dismissed on the above terms. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Revenue Divisional Officer,
Thakkalay Revenue Division,
Thakkalay, Kanyakumari District.
- 3.The Tahsildar,Vilavancode Taluk,
Kulithurai, Kulithurai Post,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.75779

+1cc to Mr.M.GNANA GURUNATHAN Advocate in SR. No.75686

+1cc to Mr.S.PALANI VELAYUTHAM Advocate in SR. No.75312

SKM/ARUL

JS/SV.MMS/SAR.2/13.09.2017/2P-7C

W.P (MD) No.19173 of 2013**and****M.P (MD) No.1 of 2013****29.08.2017**