



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.03.2018

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**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P.(MD).No.4601 of 2018

Yesudhasan

... Petitioner

.Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Special Officer,
Chuzhal Village Panchayat,
Chuzhal, Kanyakumari District.

3.Robert

4.Gracy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment which is made by the respondents 3 and 4 in the property comprised in R.Sy.No.73/20 Chuzhal Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.V.M.Balamohan Thambi

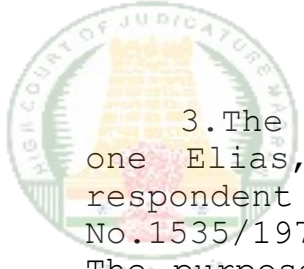
For R1 and R2 : Mr.D.Muruganantham
Addl. Government Pleader

O R D E R

[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Balamohan Thambi, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner claiming to be a resident of Chuzhal, has come forward with this writ petition to direct the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in R.Sy.No.73/20 Chuzhal Village, Vilavancode Taluk, Kanyakumari District.



3.The petitioner's case is that the said property was owned by one Elias, who executed a gift deed in favour of the second respondent Panchayat dated 10.08.1978, registered as Document No.1535/1978 on the file of the Sub Registrar Office, Kollencode. The purpose of the gift was to dig a Well in the said property to cater to the needs of drinking water needs of the people of the Village. However, the petitioner would state that the respondents 3 and 4 have encroached into the land and put up a compound wall. Since we are disposing of the writ petition without notice to the respondents 3 and 4, we are not inclined to issue any positive direction at this stage of the matter and it would suffice to direct the second respondent to take note of the petitioner's complaint and proceed in accordance with law.

4.In the light of the above observation, without going into the merits of the petitioner's claim ie., whether there is encroachment or not, we direct the second respondent to look into the petitioner's representation dated 27.10.2017 and consider the same and send an appropriate reply to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. If the second respondent finds that there is any encroachment made by the respondents 3 and 4 or any other party in any part of the land vested with the Panchayat, proper action shall be initiated against them, after issuing notice to the said parties. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Special Officer,
Chuzhal Village Panchayat,
Chuzhal, Kanyakumari District.

+1CC TO M/S.Mr.V.M.Balamohan Thambi, ADVOCATE, SR NO.52847
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.53329

W.P.(MD).No.4601 of 2018
05.03.2018

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MS/SV-MMS/SAR-2/23.03.2018/2P.5C