



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.16949 of 2017

N.Sundarraaj

... Petitioner

Vs.

1.The District Collector,  
Kanyakumari District.

2.The Revenue Divisional Officer,  
Padmanabhapuram,  
Kanyakumari District.

3.The Tahsildar,  
Vilavancode Taluk at Kuzhithurai,  
Kanyakumari District.

4.The Secretary,  
Mulankuzhi CSI Church,  
Vilavancode Taluk,  
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the third respondent to remove the encroachments made by the fourth respondent in pursuant to the direction made by the second respondent by his proceedings made in Na.Ka.A2/3357/2016, dated 30.12.2016 within a time stipulated by this Court.

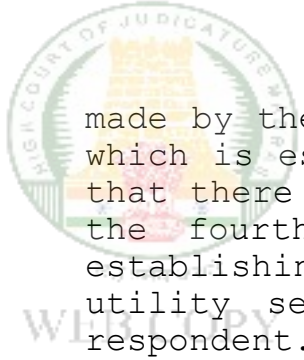
|                        |                                                       |
|------------------------|-------------------------------------------------------|
| For Petitioner         | : Mr.V.Sasikumar                                      |
| For Fourth Respondent  | : Mr.F.Deepak                                         |
| For Respondents 1 to 3 | : Mr.V.R.Shanmuganathan<br>Special Government Pleader |

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

Heard Mr.V.Sasikumar, learned counsel appearing for the petitioner, Mr.F.Deepak, learned counsel appearing for the fourth respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3.

<https://hcservices.courts.gov.in/hcservices/>  
2.The petitioner has approached this Court, by way of this writ petition, to direct the third respondent to remove the encroachment



made by the fourth respondent, which appears to be an organisation, which is established as a Church. The fourth respondent would state that there is no such encroachment. Even assuming it is so, in fact, the fourth respondent was so bounteous and granted lands for establishing Ankanvadi, a School and ration shop and all the public utility services are situated in the lands owned by the first respondent. Therefore, it is the submission of the learned counsel for the fourth respondent that the compound wall has to be put up by them and the wall, in fact, will be a protective to all these public utility services. Further it is submitted that the fourth respondent is an organisation known to maintain high ethical standard and there is no question of encroaching into the public land for any vested purpose.

3. In any event, this Court cannot go into the aspect as to whether there is encroachment or whether there is convenience or inconvenience to others. As the land is stated to be Government land, it is for the authorities to take appropriate action in accordance with law.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that notice under Section 7 of the Land Encroachment Act has been issued.

5. In the light of the above, the writ petition is disposed of giving liberty to the fourth respondent to send a suitable reply to the notice issued under Section 7 of the Act and thereafter, an enquiry shall be conducted in accordance with law. The third respondent shall proceed further in accordance with law. Till orders are passed by the third respondent, no action shall be initiated for removing the compound wall or structures put up by the fourth respondent. No Costs.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Kanyakumari District.
2. The Revenue Divisional Officer,  
Padmanabhapuram,  
Kanyakumari District.
3. The Tahsildar,  
Vilavancode Taluk at Kuzhithurai,  
Kanyakumari District.



+1cc to M/S.V.Sasikumar, Advocate SR.No. 56519  
+1cc to M/S.F.Deepak, Advocate SR.No. 56614

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20.03.2018

Mrn

JM/SV MMS/SAR 1/17.04.2018/3P/6C