



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.22176 of 2017

and

W.M.P. (MD) No.18476 of 2017

S.Ali Akbar

: Petitioner

Vs.

1.The District Collector,  
Kanyakumari District,  
Nagercoil.

2.The Revenue Divisional Officer,  
Padmanabapuram,  
Thucklay,  
Kanyakumari District.

3.The Tahsildar,  
Kalkullam Taluk,  
Aloor Village,  
Tuckalay,  
Kanyakumari District.

4.The Executive Officer,  
Aloor Town Panchayat,  
Aloor,  
Kanyakumari District.

5.A.Maheen

6.M.Sayed Masood

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the fifth and sixth respondents in poramboke land situated in Survey No.189/60 and 191/2 at Aloor Village, Kalkulam Taluk, Kanyakumari District, based on the petitioner's representation dated 20.11.2017.

For Petitioner : Mr.S.R.Anbarasu

For Respondents 1to3 : Mr.Saravanan,  
Government Advocate

For Respondent No.4 : Mr.N.S.Karthikeyan

For Respondents 5&6 : Mr.V.Meenakshi Sundaram,  
For Mr.R.Murugan



## O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

This Writ Petition has been filed claiming it to be a Public Interest Litigation seeking an action against the unauthorized encroachment made.

2. From the submission made by the learned Government Advocate appearing for the respondents 1 to 3, it came to know that Survey No.191/2 is a private land, which belongs to a Jamath and Survey No.189/60 is a road, over which, there is no unauthorized construction or occupation found. Thus, we find that the litigation initiated itself is not genuine. Though it is a fit case to impose costs, we refrain ourselves from doing so. Hence, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The District Collector,  
Kanyakumari District,  
Nagercoil.
- 2.The Revenue Divisional Officer,  
Padmanabapuram,  
Thucklay,  
Kanyakumari District.
- 3.The Tahsildar,  
Kalkullam Taluk,  
Aloor Village,  
Tuckalay,  
Kanyakumari District.
- 4.The Executive Officer,  
Aloor Town Panchayat,  
Aloor,  
Kanyakumari District.

+1cc to M/S.N.S.Karthikeyan, Advocate SR.No. 78939

+1cc to Special Government Pleader, SR.No. 79088

+1cc to M/S.R.Murugan, Advocate SR.No. 78965

Order made in  
W.P. (MD) No.22176 of 2017 and  
W.M.P. (MD) No.18476 of 2017  
Dated: 16.08.2018