



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.02.2019

CORAM:

THE HONOURABLE **MR.JUSTICE N.KIRUBAKARAN**

and

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

W.P (MD) No.4381 of 2019

Thankappan

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District @ Nagercoil.
- 2.The Tahsildar,
Kalkulam Taluk, Kanyakumari District.
- 3.The Executive Officer,
Thipparappu Selection Grade Panchayat,
Kanyakumari District.
- 4.Ravi
- 5.Thangam
- 6.Gopi
- 7.Rasi
- 8.Rajendran
- 9.Vasanth

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second and third respondents herein to take necessary steps to remove the unauthorised encroachments made in 6 feet width public pathway which runs from Esakki Amman Temple, Saliyath Street, Aramannam towards Kollakudi Vilai and reached near Thipparappu left side canal bank, Kanyakumari District by the respondents 4 to 9 herein after affording an opportunity of hearing to them in accordance with law on the basis of the petitioner's representation made before them by RPAD, dated 28.01.2019 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.B.Brijesh Kishore

For R1 and R2 : Mr.A.Muthu Karuppan
Additional Government Pleader

For R3 : Mr.M.Rajarajan

**ORDER**

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has filed the above writ petition to direct the second and third respondents to remove the encroachments made by the respondents 4 to 9 in 6 feet width public pathway which runs from Esakki Amman Temple, Saliyath Street, Aramannam towards Kollakudi Vilai and reaches near Thipparappu left side canal bank, Kanyakumari District.

2.The petitioner states that he is the resident in Kollakudi Vilai, Aramannam, Cheruppalloor, Kanyakumari District. It is the case of the petitioner that a public pathway about 6 feet width is running from Esakki Amman Temple, Saliyath Street, Aramannam towards Kollakudi Vilai is encroached by the respondents 4 to 9.

3.Though the petitioner has made a representation to the third respondent to remove the encroachment, it is stated by the petitioner that the fourth respondent has influenced the third respondent, who in turn, had issued a notice to the petitioner's wife and son on 27.11.2018 and removed the stones worth about Rs.15,000/-. The grievance of the petitioner is that the respondents 2 and 3 have not taken any action against the encroachers, namely, the respondents 4 to 9.

4.Having regard to the grievance of the petitioner, without expressing any opinion on the merits of the representation of the petitioner, this Court is inclined to pass the following order:

"The respondents 2 and 3 are directed to consider the petitioner's representation, dated 25.01.2019 and hold an enquiry in accordance with law and in case the encroachment is found true, to take appropriate action against the encroachers, after giving them sufficient opportunity of personal hearing within a period of six weeks from the date of receipt of a copy of this order."

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS)



To

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Tahsildar,
Kalkulam Taluk, Kanyakumari District.

3.The Executive Officer,
Thipparappu Selection Grade Panchayat,
Kanyakumari District.

+1CC to M/s.B.BRIJESH KISHORE,Advocate (SR-50023[F]dated 27/02/2019)
+1 CC to M/s.SPL GP (SR-50554[F]) (SR-50663[F])

W.P (MD) No.4381 of 2019
26.02.2019

CMR
ES/04.04.2019/3P/6C