



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P. (MD) No.6229 of 2019

WEB COPY

Sundaram

: Petitioner

Vs.

1.The District Collector,
Kanniyakumari at Nagercoil.

2.The Divisional Engineer,
Highways Department -Construction and
Maintenance,
Nagercoil, Kanniyakumari District.

3.The Assistant Divisional Engineer,
Highways Department - Construction and
Maintenance,
Padmanabhapuram, Thuckalay,
Kanniyakumari District.

4.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kanniyakumari District.

5.The Tahsildhar,
Kalkulam Taluk, Thuckalay,
Kanniyakumari District.

6.Sukumaran

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents 1 to 5 to evict the illegal encroachment made by the sixth respondent on the highways of Movattrumugam Charur road comprised in Sy.No.17/6B, Attur Village, Muvattrumugam Post, Kalkulam Taluk, Kanniyakumari District on the basis of petitioner's representation dated 27.12.2018.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 to R-5 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-6 : Mr.R.Ramachandran



O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 5. There is no appearance for the sixth respondent, even though he has engaged a counsel whose name is printed in the cause list.

2.The petitioner seeks for a direction to the respondents 1 to 5 to evict the sixth respondent from the subject matter property comprised in Survey No.17/6B, Attur Village, Muvattrumugam Post, Kalkulam Taluk, Kanniyakumari District, based on his representation, dated 27.12.2018. According to the petitioner, the sixth respondent has encroached upon the said land.

3.The learned counsel for the petitioner invited this Court's attention to the notice issued by the third respondent, dated 08.07.2015 to the sixth respondent and other persons calling upon them to remove the encroachment. Therefore, the learned counsel contended that even though such notice was issued as early as on 08.07.2015 by the third respondent, no action is taken for removal of the encroachment till this date. Ventilating such grievance, the petitioner has made the above representation, dated 27.12.2018. It is stated that the said representation has not been considered so far.

4.The learned Special Government Pleader submitted that the representation of the petitioner will be looked into and appropriate orders will be passed, based on the notice already issued by the third respondent, dated 08.07.2015.

5.In view of the above said facts and circumstances, this writ petition is disposed of by directing the respondents 1 to 5 to pass orders on the representation made by the petitioner, dated 27.12.2018, after giving due opportunity of hearing to the petitioner as well as the sixth respondent. Such exercise shall be done by the respondents, more particularly, the third respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District Collector,
Kanniyakumari at Nagercoil.

2. The Divisional Engineer,
Highways Department - Construction and
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4. The Revenue Divisional Officer,
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Kanniyakumari District.

5. The Tahsildhar,
Kalkulam Taluk, Thuckalay,
Kanniyakumari District.

+1 CC to SPL GP SR-67094.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate SR-67371.

W.P. (MD) No. 6229 of 2019
Dated: 04.06.2019

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