



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P (MD) NO.14065 OF 2018

K.Reg

:Petitioner

.vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.P.Ravi

3.G.Vel Rajam Ravi.

4.A.R.Parvathi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the representation of the Petitioner dated 20.6.2018 for removal of the encroachment made upon the Simon Nagar Main Road by the respondents 2 to 4.

For Petitioner

:Mr.M.Suresh
for Mr.J.John Jeyakumar

For Respondent-1

:Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader

For Respondents
2 and 3

:Mr.T.Lajapathi Roy

For Respondent-4

: Mr.P.Muthu Vijaya Pandian

O R D E R

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

Heard Mr.M.Suresh, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the first respondent, Mr.T.Lajapathi Roy, learned counsel appearing for the respondents 2 and 3 and



Mr.P.Muthu Vijaya Pandian, learned counsel appearing for the fourth respondent and perused the materials placed before this Court.

2.The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to consider the representation of the Petitioner, dated 20.6.2018 for removal of the encroachment made upon the Simon Nagar Main Road by the respondents 2 to 4.

3.The learned counsel for the Petitioner would submit that it would suffice if a direction is issued to the first respondent to consider the representation of the Petitioner.

4.It is the submission of the learned counsels appearing for respondents 2 to 4 that a suit in respect of the same property is pending before the competent Civil Court and hence, the Writ Petition is not maintainable.

5.However,considering the the facts and the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to take appropriate action on the representation of the Petitioner, dated 20.6.2018 purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The District Collector,
Kanyakumari District,
Nagercoil.

+2 CC to M/s.J.JOHN JAYAKUMAR, Advocate (SR-60794,61167[F] dated 12/04/2019)

<https://hcservices.ecourts.gov.in/hcservices/>

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate (SR-60958[F] dated 15/04/2019)



+1 CC to M/s.SPL GP (SR-61281[F] dated 16/04/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-61375[F] dated 16/04/2019)

VSN

ORDER MADE IN
W.P(MD)NO.14065 of 2018
12.04.2019

KM/ (25.04.2019) 3P 7C