



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.4241 of 2019

and W.M.P. (MD) No.3361 of 2019

M.Habibulla

... Petitioner

-VS-

- 1.The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
- 2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
- 3.The Sub Collector,
Sub Collector Office,
Kanyakumari District.
- 4.The Tahsildar,
Tahsildar Office,
Agasteeswaram Taluk,
Kanyakumari District.
- 5.The Block Development Officer,
Agasteeswaram Taluk,
Kanyakumari District.
- 6.Esakkiammal
- 7.Arunkumar
- 8.Sheeladevi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein more particularly Respondents 1 to 5 herein to consider the petitioner's representation dated 26.12.2018 and take immediate action to remove the encroachment made in the Geology Channel (Nilavial Kaalvai) in S.No.369/2, Leepuram Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner

: Mr.V.Meenakshisundaram

For Respondents 1 to 5

: Mr.A.K.Baskarapandian
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.V.Meenakshisundaram, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 5.

2.By way of this Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus, directing the Respondents 1 to 5 herein to consider the petitioner's representation dated 26.12.2018 and take immediate action to remove the encroachment made in the Geology Channel (Nilavial Kaalvai) in S.No.369/2, Leepuram Village, Agasteeswaram Taluk, Kanyakumari District.

3.By consent on either side, this Writ Petition itself is taken up for final disposal. In view of the order we propose to pass in this order notice to the respondents 6 to 8 is dispensed with.

4.The District Collector, Kanyakumari District by proceedings dated 25.10.2018 has forwarded the complaint to the Tahsildar, Agastheeswaram to take action. It is not known as why no action has been taken so far on the representation of the petitioner. Therefore, we direct the second respondent to issue appropriate direction to the fourth respondent to proceed further in accordance with law in pursuant to the proceedings of the District Collector dated 25.10.2018 and keep the petitioner informed about the action taken. It is needless to state that if according to the 4th respondent, there is encroachment, notice has to be issued to the encroacher before any action is taken.

5.The Writ Petition stands disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

sj
To

1.The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.

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



2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.

3.The Sub Collector,
Sub Collector Office,
Kanyakumari District.

4.The Tahsildar,
Tahsildar Office,
Agasteeswaram Taluk,
Kanyakumari District.

5.The Block Development Officer,
Agasteeswaram Taluk,
Kanyakumar District.

+1 CC to M/s.GP (SR-89404[F] dated 25/09/2019)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-89343[F] dated
25/09/2019)

W.P.(MD) No.4241 of 2019
and W.M.P.(MD) No.3361 of 2019

24.09.2019

KK/SAR/14.10.2019/3P-8C/