



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.4314 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

Mohamed Kutty

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

4.Araganadu Sri Darmasastha
Thirukovil Administrative Committee,
Rep by its President,
G.Gopinathan Nair.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 3 to take action against the 4th respondent for violating the order passed by the 2nd respondent dated 20.10.2014 on the basis of the petitioner's representation dated 11.03.2015.

For Petitioner: Mr.B.Tamilnidhi

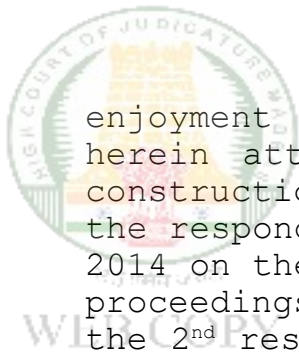
For R1 to R3 : Mrs.Anandhadevi
Government Advocate (Crl.Side)

For R4 : M/s.J.Anandhavalli

ORDER

This writ petition has been filed for seeking direction to direct the respondents 1 to 3 to take action against the 4th respondent for violating the order passed by the 2nd respondent dated 20.10.2014 on the basis of the petitioner's representation dated 11.03.2015.

2.The land was allotted to the petitioner comprised in S.No.125/31 measuring an extent of 10 cents situated at Kaliyal Village, Kanyakumari District. The petitioner is in possession and



enjoyment of the said property. While being so, the 4th respondent herein attempted to trespass into the said land and put up the construction. Therefore, the petitioner lodged a complaint before the respondent police and the same was registered in Crime No. 79 of 2014 on the file of the 2nd respondent and also referred to initiate proceedings under Section 107 of Cr.P.C. After conducting enquiry, the 2nd respondent by an order dated 29/10/2014 stated that the said land was allotted to the petitioner and the 4th respondent has no right over the said property belong to the petitioner herein. Further, the 4th respondent is also restrained from interfering with the peaceful possession and enjoyment of the petitioner herein. Though, he is interfering with the peaceful possession and enjoyment of the petitioner herein.

3.The 1st respondent filed a counter and avert that the 4th respondent owned a land comprised in S.No.125/32 situated at Kaliyal Village, Kanyakumari District. When the petitioner started earth work for new construction, it was objected by the 4th respondent and also such crime was registered. FIR was registered in Crime No.79/2014 and referred for initiation of proceedings under Section 107 of Cr.P.C. Further stated that the petitioner started earth work at Government Porampoke land comprised in S.No..125/33 instead of S.No.125/31. Therefore, the 4th respondent objected the same.

4.Admittedly, the petitioner owned land comprised in S.No.125/31 situated situated at Kaliyal Village, Kanyakumari District. On investigation, the 1st respondent found that some preliminary earth work has been done at Government Porampoke land comprised in S.No.125/33. Therefore, the 4th respondent objected the same.

5.Considering the above facts and circumstance, the prayer sought for in this petition cannot be considered and the main writ petition itself devoid of merits. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6.However, if the 4th respondent interfering with the peaceful possession and enjoyment of the land owned by the petitioner, the petitioner is at liberty to approach the civil Court for appropriate relief, if so advised.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



dss

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

+1 CC to M/s.J. ANANDHAVALLI, Advocate (SR-23173[F] dated
27/11/2020)

W.P. (MD)No.4314 of 2015
and
MP (MD)No.1 of 2015

24.11.2020

NA (CO)
NR (09/12/2020) 3P : 5C