



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD)No.785 of 2021

and

W.M.P. (MD)No.645 of 2021

N.Vamadevan Nair

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Kanyakumari District.

2.The Tahsildar,
Killiyur Taluk,
Kanyakumari District.

3.The Revenue Inspector,
Painkulam, Killiyur Taluk.

4.Srikumaradas

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records of the 2nd respondent comprised in the impugned order dated 08.12.2020 bearing Ref.No.A1/641/2020 and quash the same as arbitrary, illegal, unconstitutional and consequently forbear the respondents from interfering with any legal activities being carried on by petitioner in his property at S.Nos.407/4, 405/7, 407/6, 408/9, 443/18, 442/1, 407/5, 465/6, 407/5, 409/1A2, 409/1A & 407/7A, 465/14A, 465/10, 409/1A1, Ezhudesam A Village, Killiyur Taluk, Kanyakumari District.

For Petitioner : Mr.A.Saravanakumar, Advocate

For Respondents : Mr.B.Bhagavathi,

Government Advocate for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2.The petitioner is the owner of the petition mentioned lands. The petitioner attempted to level the ground. At this stage, the impugned communication came to be issued by the second respondent.



The second respondent had stated that without getting permission from the District Collector, the petitioner should not carry on with the leveling operations. That necessitated filing of the present writ petition.

3.I wanted to know from the learned Government Advocate under what provision of law, the impugned communication has been issued. The official respondents are unable to cite any provision of law. All that the learned Government Advocate on instructions would state is that there was a law and order problem and opposition from a local political functionary and that is why, the impugned order came to pass. The Revenue Inspector, Painkulam, Killiyur Taluk stated in person through web hearing before this Court that when the levelling operations are being done, the structural stability of neighbouring buildings appeared to be endangered and that is why, they had to pass the impugned order.

4.The learned counsel for the petitioner categorically states that the levelling operations will be conducted in such a manner as not to affect the structural stability of the neighbouring buildings. In as much the impugned communication has no legal basis, it has to be necessarily quashed and it is accordingly quashed.

5.Recording the submissions made by the petitioner through his counsel, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2021
Sub Assistant Registrar

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 District Collector,
Office of the Collectorate,
Kanyakumari District.

2.The Tahsildar,
Killiyur Taluk,
Kanyakumari District.

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



3.The Revenue Inspector,
Painkulam, Killiyur Taluk.

+1. C.C. to M/S.S.RAMESH, Advocate SR.No. 1906
+1 cc to Special Government Pleader, SR.No. 1854

WEB COPY

**W.P (MD) No.785 of 2021
21.01.2021**

ias
JM/10.02.2021/3P/6C