



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.13975 of 2012

and

M.P. (MD) No.2 of 2012

1.Y.Rajaram

2.Y.Sujith

...Petitioners

Vs.

1.The Unnamalaikadai Town Panchayat,
Viricode, Viricode P.O.,
Via Marthandam,
Kanyakumari District,
Represented by its Executive Officer,

2.C.Vijayakumar

.... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to forbear from encroaching upon any portion of the petitioners' properties in Re-survey No.704/7, having an area of 14 ares and Re-survey No.704/8, having an area of 94.5 ares of Nattalam Village, Vilavancode Taluk, Kanyakumari District by demolishing the compound wall or the gate therein, or otherwise, for the purpose of widening the water-course adjacently on their south or for any other purpose.

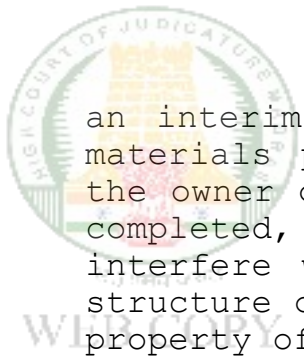
For Petitioners : Mr.K.N.Thampi

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, forbearing the respondents from in any way encroaching upon the property of the petitioners by demolishing the compound wall or widening the water-course.

2.When the writ petition was admitted, this Court passed an order of interim injunction in the year 2012 and the said order is in effect till date. It is brought to the notice of this Court that without interfering with the property belonging to the petitioners, the entire work would have been completed.

3.Taking into consideration the facts and circumstances of the case and by virtue of the fact that the petitioners had advantage of



an interim order right through and considering the fact that the materials placed before this Court shows that the petitioners are the owner of the subject property, if the work has not already been completed, there shall be a direction to the respondents not to interfere with the property of the petitioners by demolishing the structure or widening the water-course or laying any road inside the property of the petitioners.

4.This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The Executive Officer,
The Unnamalaikadai Town Panchayat,
Viricode, Viricode P.O.,
Via Marthandam,
Kanyakumari District.

+1 CC to M/s.K.N.THAMPI, Advocate (SR-18180[F] dated 30/04/2021)

Order made in
W.P. (MD) .No.13975 of 2012

Dated:
29.04.2021

AS (08.06.2021) 3P 3C