



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.5228 of 2021
(Through Video Conferencing)

S.Thulasidhas : Petitioner

Vs.

1.The Principal Secretary
State Highways
St. George Fort,
Chennai.

2.The District Collector,
Kanyakumari District,
at Nagercoil.

3.The Revenue Divisional Officer,
Padmanabhapuram
Thuckalay, Kanyakumari District.

4.The Executive Engineer,
Public Works Department
Nagercoil, Kanyakumari District.

5.The Divisional Engineer
State Highways
Nagercoil
Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment of commercial shop building in D.Nos.7/8, 7/9, 7/10 encroaching the Mondaikadu temple highway road and further under eminent danger of collapsing.

For Petitioner : Mr.A.Rajkumar sen

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition seeking a writ of mandamus directing the respondents 1 to 5 to remove the encroachment of commercial shop building in D.Nos.7/8, 7/9, 7/10 encroaching the Mandaikadu temple Highway road.

2. The learned counsel for the petitioner submitted that despite the encroachment being brought to the notice of the respondents by the representation dated 01.03.2021, no action has been taken.

3. The Special Government Pleader appearing for the respondents submitted that the petitioner filed similar writ petition seeking the very same relief, the only change is with respect to survey number as against Door number given in W.P.(MD) No.3342/2018, in which appropriate orders have been passed by this Court. Even in the present complaint, inspection has been made and another encroachment has been found.

4. The petitioner, after giving a representation on 01.03.2021, filed the writ petition on 02.03.2021. This is really very unfortunate. There is absolutely no reference about the earlier writ petition. Be that as it may, we are not in a position to discredit the statements made by the learned Special Government Pleader supported by the photographs to the effect that there is no encroachment found on ground as alleged by the petitioner. Thus, looking from any perspective, we do not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Principal Secretary
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St. George Fort,
Chennai.

2.The District Collector,
Kanyakumari District,
at Nagercoil.

3.The Revenue Divisional Officer,
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Thuckalay
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Nagercoil
Kanyakumari District.

5.The Divisional Engineer
State Highways
Nagercoil
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-10905[F] dated 12/03/2021)

Order made in
W.P. (MD)No.5228 of 2021
Dated: 11.03.2021

ES (CO)
TR(23.03.2021) 3P 7C