



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

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

W.P. (MD)No.6388 of 2021
(Through Video Conferencing)

G.Selvan

: Petitioner

Vs.

1.The District Collector
Kanyakumari District.

2.The Tahsildar,
Kalkulam Taluk
Kanyakumari District.

3.The Assistant Director of Survey
Kanyakumari.

4.The Taluk Surveyor,
Kalkulam Taluk
Kanyakumari District.

5.V.Krishnamani

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the 2nd respondent to complete the process of enquiry based on the petitioner's representation dated 17.02.2021 requesting to remove the encroachment made on the common passage in Survey No.783/7B Vellimalai Village, Kalkulam Taluk in Kanyakumari District, pursuant to the communication dated 22.02.2021 issued by the 1st respondent to the 2nd respondent within a reasonable time.

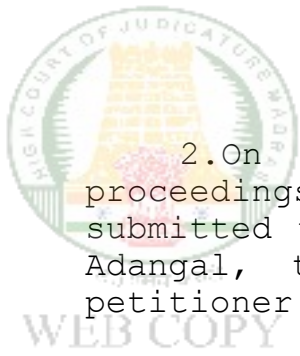
For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.K.P.Krishnadoss for R1 to R4
Special Government Pleader

ORDER

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

Claiming the extent of land as a common passage meant for the usage of public, the present writ petition has been filed.
<https://hcservices.ecourts.gov.in/hcservices/>



2. On instructions from the Tahsildar, Kalkulam by the proceedings dated 20.03.2021, the learned Special Government Pleader submitted that it is only a private land. Even as per the village Adangal, there is no such classification as contended by the petitioner.

3. We cannot go into the disputed questions of fact, especially when the official respondent No.2 himself claims it is a private land. In such view of the matter, the writ petition is closed giving liberty to the petitioner to file a suit. No costs.

Sd/-

Assistant Registrar

// 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 District Collector
Kanyakumari District.

2.The Tahsildar,
Kalkulam Taluk
Kanyakumari District.

3.The Assistant Director of Survey
Kanyakumari.

4.The Taluk Surveyor,
Kalkulam Taluk
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-12937[F] dated 23/03/2021)

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate (SR-13091[F] dated 23/03/2021)

Order made in

W.P. (MD)No.6388 of 2021

Dated: 22.03.2021

SMV(CO)

KK(09.04.2021) 2P 7C

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