



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.13119 of 2021

WEB COPY

P.Thangaraja

.. Petitioner

Vs

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

2. The Revenue Divisional Officer,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

3. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

4. The Joint Commissioner,
HR & CE,
Suchindrum,
Agasteeswaram Taluk,
Kanyakumari District.

5. S.Krishnamoorthy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to consider the representation, dated 13.02.2021 made by the petitioner herein for removing the stone fencing made by the respondent No.5 at in S.No.117/2 at Leepuram Village, Agasteeswaram Taluk, Kanyakumari District, to the extent of 96 cents.

For Petitioner : Mr.T.Sundaravadanam

For Respondents 1 to 3 : Mr.A.K.Manikkam
Standing Counsel for Government

For 4th Respondent : Mr.Sathiya Singh
Standing Counsel for HR & CE



ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the private respondent has encroached on a temple land at S.No.117/1B3A at Leelapuram Village, Agastheeswaram Taluk of Kanyakumari District, to the extent of more than two acre.

2.Mr.A.K.Manikkam, learned Standing Counsel for the Government, appears and takes notice on behalf of the respondent Nos.1 to 3. Mr.K.Sathya Singh, learned counsel takes notice on behalf of the fourth respondent.

3.It is submitted on behalf of the official respondents that since the land is said to be private temple land, the third respondent should consider the matter.

4.Accordingly, the petitioner is permitted to carry a fresh, detailed representation to the third respondent within a fortnight from date, whereupon the third respondent will inquire into the matter and afford an opportunity of hearing to both the petitioner and the fifth respondent before deciding thereon. The speaking order of the third respondent should be issued within ten weeks of the receipt of the representation.

5.Since no prejudice is occasioned by this order and no observation has been made on merits and the third respondent has been directed to afford the private respondent an opportunity of hearing before passing any order, the matter is disposed of without notice to the private respondent.

6.W.P.(MD)No.13119 of 2021 is disposed of.
There will be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
at Nagercoil.
2. The Revenue Divisional Officer,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
3. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
4. The Joint Commissioner,
HR & CE,
Suchindrum,
Agasteeswaram Taluk,
Kanyakumari District.

+1 CC to M/s.K.SATHYASINGH, Advocate (SR-24815[F] dated 30/07/2021)

+1 CC to M/s.T.SUNDARAVADANAM, Advocate (SR-24676[F] dated 30/07/2021)

+1 CC to M/s.GP (SR-24953[F] dated 02/08/2021)

W.P. (MD) No.13119 of 2021
30.07.2021

MGJ(06.08.2021) 3P 8C