



WEB COPY

W.P.(MD) No.14994 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.14994 of 2021

R.Robinson

.. Petitioner

Vs

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

2.The Sub Collector/Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Killiyoor Taluk Office,
Tholayavattai Post,
Kanyakumari District.

4.The Village Officer,
Mullanganavilai Village,
Mullanganavilai Post,
Kanyakumari District.

5.Arulappan

6.Viji Delphi Rose

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in survey No.201/23, Mullangavavilai Village, Kanyakumari District by considering the representation of the petitioner dated 01.10.2020 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.P.Thilak Kumar
Standing Counsel for Government
for R1 to R4



ORDER

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

The grievance of the petitioner is that the private respondents herein have purported to encroach on a public road in Survey No.201/23 at Mullanganavilai Village, Kanyakumari District. The petitioner complains that despite his written representation to the official respondents issued on October 01, 2020, the matter has not engaged the attention of the official respondents.

2.Mr.Thilak Kumar, learned standing counsel for the Government, accepts notice on behalf of the official respondents. According to him, the Tahsildar, Killiyoor Taluk Office is the appropriate official to look into the matter.

3.Accordingly, W.P.(MD).No.14994 of 2021 is disposed of by permitting the petitioner herein to carry a fresh, detailed representation pertaining to the perceived encroachment to the third respondent Tahsildar within a fortnight from date. Upon receipt of such representation, the Tahsildar should conduct an inquiry after issuing notice to the petitioner and the private respondents and afford such persons a reasonable opportunity of being heard. The Tahsildar's findings should be rendered on the matter within eight weeks of the receipt of the petitioner's representation and copies of his order should be forwarded to the petitioner, the private respondents and others who may be affected thereby.

4.The petition is disposed of without any previous notice to the private respondents, since no prejudice will be occasioned by this order to the private respondents and the private respondents have been required to be served notice by the Tahsildar in course of the inquiry that the Tahsildar conducts.

There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/RM

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 Sub Collector/Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Killiyoor Taluk Office,
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Kanyakumari District.

4.The Village Officer,
Mullanganavilai Village,
Mullanganavilai Post,
Kanyakumari District.

+1 CC to M/s.GP (SR-27202[F] dated 25/08/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate(SR-27444[F]dated 26/08/2021)

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24.08.2021

RK (03.09.2021) 3P 7C