



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 11.02.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD)No.18982 of 2020**

**and**

**W.M.P. (MD)No.15918 of 2020**

S.Sree Latha Amma @ Sree Latha

... Petitioner

Vs.

1.The District Collector,  
Kaniyakumari District @ Nagercoil.

2.The Tahsildar,  
Killiyoor Taluk,  
Kanyakumari District.

3.The Executive Officer,  
Pudukadai Selection Grade Town Panchayat,  
Pudukadai,  
Kanyakumari District.

4.V.Micheal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned notice issued by the third respondent herein in his proceedings vide Na.Ka.No.551/2020/A2, dated 24.11.2020, quash the same and consequently, direct the respondents 1 to 3 to survey the entire Government Poramboke Pathway, situated in S.No.326/10 of Munichirai Village, Killiyoor Taluk, Kanyakumari District and remove all the encroachments made therein after affording an opportunity of hearing all the encroachers if any who made encroachments in the aforesaid Poramboke land as per the relevant Act in force.

For Petitioner

: Mr.Anand C.Rajesh  
For M/s.Brijesh Kishore

For Respondents 1 to 3

: Mr.K.P.Krishnadoss  
Special Government Pleader

For Respondent No.4

: Mr.S.C.Herold Singh



**ORDER**

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

The Writ Petition has been filed challenging the notice issued by respondent No.3 in Na.Ka.No.551/2020/A2, dated 24.11.2020, by which, the petitioner was asked to remove the encroachment.

2.Learned counsel for the petitioner submitted that during the pendency of the Writ Petition, respondent No.4 has demolished the compound wall put by him and an F.I.R. has also been filed.

3.Learned Special Government Pleader appearing for respondents 1 to 3 while reiterating the above position submitted that it is the petitioner and respondent No.4, who have encroached the property belonging to respondent No.3 offered to the street.

4.A perusal of the impugned order shows that the petitioner has not been heard. Certainly it has civil consequences. Similarly respondent No.4 respondent has also encroached and he is also to be evicted by due process of law.

5.In such view of the matter, this Writ Petition is disposed of, directing respondent No.3 to issue notice to both the petitioner and respondent No.4 to show cause as to why the encroachments shall not be removed and after receiving the replies, respondent No.3 shall pass appropriate orders on merits and in accordance with law within eight weeks from the date of receipt of a copy of this order. Till such time, status quo as on date shall be maintained. It is made clear that it would also apply to any fresh construction. We further observe that after adjudication and respondent No.3 identified the area of encroachment, it is well open to the petitioner to put up a compound wall.

6.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

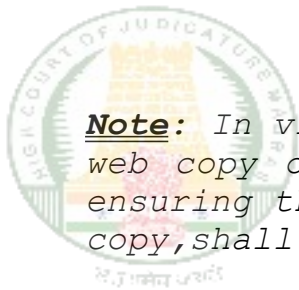
Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj



**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

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Kanyakumari District @ Nagercoil.

2.The Tahsildar,  
Killiyoor Taluk,  
Kanyakumari District.

3.The Executive Officer,  
Pudukadai Selection Grade Town Panchayat,  
Pudukadai,  
Kanyakumari District.

+1 CC to M/s.BRIJESH KISHORE, Advocate ( SR-4790[F] dated 12/02/2021 )

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-4840[F] dated 12/02/2021 )

+1 CC to M/s.GP ( SR-4948[F] dated 15/02/2021 )

**W.P. (MD) No.18982 of 2020**

**11.02.2021**

**(KUN) CO**

**AP (23/02/2021) 3P 7C**