



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) NO. 20953 of 2021

WEB COPY

G.Josephine

:Petitioner

.vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of Town Panchayats,
Nagercoil Region,
District Collectorate Campus,
Kanyakumari District,
Nagercoil.

3.The Executive Officer,
Marungur Town Panchayat,
Agasteeswaram Taluk,
Kanyakumari District.

4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

5.Jesu Irutha Selva Prema

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment made by the fifth respondent herein by obstructing the public pathway ie.,Anthonyar Street, which leads to the house of the Petitioner within the time frame fixed by this Court.

For Petitioner : Mr.M.Suri

For Respondents : Mr.M.Ramesh

1,2 and 4 Govt. Advocate

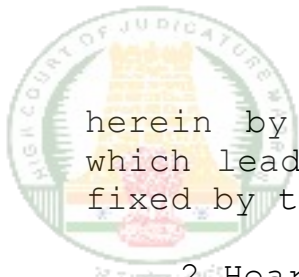
For Respondent-3 : Mr.M.Siddharthan

Addl.Govt.Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

It is yet another Writ Petition seeking issuance of a Writ of Mandamus to remove the encroachment made by the fifth respondent



herein by obstructing the public pathway ie., Anthonyar Street, which leads to the house of the Petitioner within the time frame fixed by this Court.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. From the averments that has been furnished, it is seen that the Petitioner has the exit only through Anthonyar Street to his house and the fifth respondent has constructed a wall blocking his ingress and egress. In this regard, one John Britto, who is the Cousin of the Petitioner, has given a complaint/representation to the second and third respondents on 24.08.2021 and 18.08.2021 respectively. As the Petitioner is living outside the Taluk, the complaint was given on his behalf. Based on the said complaint, the second respondent had issued a communication to the third respondent, directing him to take action on the representation filed and communicate the Action Taken Report to the Petitioner as well. The said proceedings was issued in Na.Ka.No.7163/2021, Pa 6, dated 08.09.2021. However, there was no action taken. Hence the Petitioner has rushed to this Court by filing the present Writ Petition, as the ingress and egress of his residence was blocked by constructing a compound wall by the fifth respondent.

4. Since the third respondent has already been directed by the second respondent to consider the representation and to furnish the action taken report to the Petitioner, this Court directs the second respondent immediately to consider the representations of the Petitioner, dated 24.08.2021 and 18.8.2021, as per the direction issued by the second respondent, on merits and in accordance with law and furnish the Action Taken Report to the respondents 1 and 2 as well as a copy of the same to the Writ Petitioner.

6. With these directions, the Writ Petition stands disposed of. No costs.

7. Post the matter under the caption ''for reporting compliance'' on 05.01.2022.

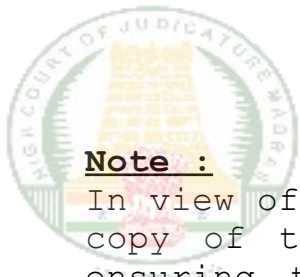
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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,
Nagercoil.
- 2.The Assistant Director of Town Panchayats,
Nagercoil Region,
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Kanyakumari District.
- 4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

Copy to
The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. SURI, Advocate (SR-35841[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-35855[F] dated 25/11/2021)

W.P (MD) No. 20953 of 2021
24.11.2021

SB(02.12.2021) 3P 8C