



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.1516 of 2022

and

WMP(MD)No.1326 of 2022

S.Mohamed Zubin

... Petitioner

vs.

- 1) The President,
Kaniyankulam Panchayath,
Kanyakumari District-629 003.
- 2) Block Development Officer,
Rajakkamangalam,
Kanyakumari District 629 502.
- 3) Assistant Director of Panchayath
Collectorate Campus,
Nagercoil,
Kanyakumari District 629 001.
- 4) Regina Kumari
- 5) Stella Dhas
- 6) Inspector of Police,
Vadasserry,
Nagercoil -629 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the construction carried out by the respondents 4 and 5 without building permission/approval forthwith in Resurvey No.741, Kaniyankulam Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.V.Raghavachari for
Mr.C.Robert Bruze
For R1 to R3 : Mr.P.Thilakkumar
Government Pleader



ORDER

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

The writ petition is filed for a Mandamus, directing the respondents 1 to 3 to remove the construction carried out by the respondents 4 and 5 without building permission/approval in Resurvey No.741, Kaniyankulam Village, Agastheeswaram Taluk, Kanyakumari District.

2. The petitioner would state that his father purchased a landed property to an extent of 1.64 acres in Resurvey No.741 of Vadassery Village in the year 1994. Thereafter, he sold 58 cents to various people by dividing it into 15 plots. While so, one Vijayakumar sold a portion of the land in Resurvey No.741 to one Regina Kumari / 4th respondent herein, based on Patta No.3164 of Vadasserry Village on 06.01.2009. According to the petitioner, the said sale deed was executed without any parent document and the abovesaid patta was also cancelled subsequently by the Tahsildar. Now the 5th respondent claiming herself to be the power of attorney of the 4th respondent encroached upon the petitioner's property and putting up structures inside his property. Thus, the petitioner personally gave a representation to the respondents 2 and 3 on 10.01.2022, but no action has been taken thereon. Hence, this writ petition.

3. The learned Government Pleader appearing for the official respondents would state that the 3rd respondent will consider and dispose of the petitioner's representation given by hand on 10.01.2022 within a time frame.

4. Recording the above submission, a direction is issued to the 3rd respondent to consider and dispose of the petitioner's representation given by hand on 10.01.2022, after affording him an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1) The President,
Kaniyankulam Panchayath,
Kanyakumari District-629 003.
- 2) Block Development Officer,
Rajakkamangalam,
Kanyakumari District 629 502.
- 3) Assistant Director of Panchayath
Collectorate Campus,
Nagercoil,
Kanyakumari District 629 001.

+1 CC to M/s.F.DEEPAK, Advocate (SR-2952[F] dated 28/01/2022)

+1 CC to M/s.SPL.GP (SR-3109[F] dated 31/01/2022)

ORDER MADE IN
W.P(MD)No.1516 of 2022
DATED : 28.01.2022

SE (CO)

GC (09.02.2022) 3P 6C