



W.P.(MD) No.3417 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.3417 of 2021

M.Habibulla

... Petitioner

-vs-

- 1.The District Collector
Collectorate, Nagercoil
Kanyakumari District
- 2.The District Revenue Officer
District Revenue Office
Kanyakumari District
- 3.The Sub Collector
Sub Collector Office
Kanyakumari District
- 4.The Tahsildar
Tahsildar Office
Agasteeshwaram Taluk
Kanyakumari District
- 5.The Block Development Officer
Agasteeshwaram Taluk
Kanyakumari District
- 6.Esakkiammal



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7.Arunkumar

8.Sheeladevi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the impugned proceedings issued by the fourth respondent vide proceedings No.A1/830/2019, dated 28.03.2020 and quash the same as illegal and consequently direct the respondents 1 to 5 to remove the encroachment made by respondents 6 to 8 in Old Survey Nos.1018/56 ft (new Survey No.369/1, 2), Leepuram Village, Agasteeshwaram Taluk, Kanyakumari District.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.M.Rajaram for R5
Mr.G.Anto Prince for R6
No appearance for R7 and R8

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenge in this writ petition is to the order dated 28.03.2020, passed by the fourth respondent, whereby and whereunder, the request of the petitioner for removal of encroachment in the subject land has been rejected.

2. When the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 4, on instructions,



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submitted that based on the directions issued by this Court *vide* order dated 24.09.2019 in W.P.(MD) No.4241 of 2019, the fourth respondent conducted a survey and found no encroachment in the subject land.

3. The learned counsel appearing for the petitioner stoutly refuted the above submission of the learned Government Pleader and submitted that as per the A-Register, the subject land is a Nilaviyal Vaikkal, but, the fourth respondent, in the impugned proceedings, has described the same as a Rayath Punja Land.

4. Recording the above submission of the learned Government Pleader and granting liberty to the petitioner to approach the Revenue Divisional Officer for redressal of his remedy with regard to the description of the subject land by the fourth respondent in the impugned proceedings, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No
Internet : Yes / No

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