



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P. [MD]No.12131 of 2022

and

W.M.P. (MD) No.8633 of 2022

M.Selvakumari

...Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The President,
District Panchayat,
Kanyakumari District,
Nagercoil.

3.The Assistant Director, (Panchayat),
Kanyakumari District,
Nagercoil.

4.The President,
Thickanamcode Panchayat,
Thickanamcode,
Kanyakumari District.

5.The Chairman
Panchayat Union,
Kozhiporvilai,
Milagumodu Post,
Thackalay,
Kanyakumari District.

6.The Block Development Officer
Thackalay Panchayat Union,
Kozhiporvilai,
Milagumodu Post,
Thackalay,
Kanyakumari District.

7.Selvamary

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made in and around in S.No.568/5 in Thickanamcode Panchayat, Thiruvithancode Village, Kalkulam Taluk,



Kanyakumari District, made by the seventh respondent by considering the representation of the petitioner's dated 17.05.2022.

For Petitioner : Mr.T.Selvakumaran
For R1 & R3 : Mr.SRA.Ramachandran,
Additional Government Pleader
For R2, R4 to R6 : Mr.D.Sadiq Raja,
Additional Government Pleader

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner is admittedly, the former member of Ward No.8 of Thickanamcode Panchayat, Thiruvithancode Village. She lost the elections to the seventh respondent and now the petitioner is alleging that the seventh respondent has made encroachments in and around in Survey No.568/5 in Thickanamcode Panchayat, Thiruvithancode Village, and obstructing her pathway. Even according to the petitioner, the seventh respondent has patta for 3-1/2 cents and around her patta land, she appears to have make an encroachment.

2. In the opinion of this Court, we find more private interest in this litigation than Public Interest.

3. It is always open to the petitioner and others in the locality to file a suit under Section 91 of Code of Civil Procedure for removal of such encroachment. Hence, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RM

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The President,
District Panchayat,
Kanyakumari District,
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3.The Assistant Director, (Panchayat),
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Kozhiporvilai,
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Thackalay,
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Thackalay Panchayat Union,
Kozhiporvilai,
Milagumodu Post,
Thackalay,
Kanyakumari District.

+1 CC to M/s.T. SELVAKUMARAN, Advocate (SR-26576[F] dated
17/06/2022)

+1 CC to M/s.SPL.GP (SR-26853[F] dated 20/06/2022 & SR-26757[F]
dated 20/06/2022)

W.P.[MD]No.12131 of 2022
17.06.2022

MGJ(27.06.2022) 3P 9C