



W.P(MD) No.14244 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.(MD) No.14244 of 2022
and
W.M.P(MD) Nos.10180 & 10181 of 2022**

Bensingh

... Petitioner

-VS-

- 1.The District Collector,
Office at collector office Nagercoil,
Kanyakumari District.
- 2.The Assistant Engineer,
State Highways Department,
Thuckalay, Kanyakumari District.
- 3.The Assistant Engineer,
Public Works Department,
Thuckalay, Kanyakumari District.
- 4.The Revenue Divisional Officer,
Thuckalay, Kanyakumari District.
- 5.The Executive Officer,
Neyoor Panchayat,
Neyoor, Kanyakumari District.



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6.The Village Administrative Officer,
Chemponvilai, Chemponvilai Post,
Kanyakumari District.

7.The Sub Registrar,
Colachel Sub Registrar Office,
Colachel, Kanyakumari District.

8.Anand Abraham

9.Manilla ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate action to remove the encroachment made by the respondents 8 and 9 in Rsy No.513/12, 513/13 and 513/4 of Chemponvilai Village, Chemponvilai Post, Kalkulam Taluk, Kanyakumari District, considering the petitioner's representation dated 19.05.2022.

For Petitioner : Mr.G.Cenil

For Respondents : Mr.S.R.A.Ramachandran,
Addl. Government Pleader
for R1 to R7

ORDER

(Made by P.N.PRAKASH, J.)

Alleging that the respondents 8 and 9 have encroached into Survey Nos. 513/12, 513/13 and 513/4 in Chemponvilai Village, Chemponvilai Post, Kalkulam Taluk, Kanyakumari District, the petitioner addressed a representation dated 19.05.2022 and since the same has not been



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considered, this public interest litigation has been filed for a direction to the respondents 1 to 7 to dispose of the representation and remove the encroachments.

2. Today, Mr.A.Muthirulappan, Assistant, Highways Department, is present before this Court.

3. On instructions, Mr.S.R.A.Ramachandran, learned Additional Government Pleader submitted that Survey No.485 in Chemponvilai Village, is in the possession of the State Highways Department and notice to the encroachers thereon has been issued. As regards Survey Nos.513/12, 513/13 and 513/4, he contended that the lands do not belong to the State Highway Department. He further submitted that Survey Nos. 513/12, 513/13 and 513/4 are patta lands belonging to respondents 8 and 9, which is refuted by the learned counsel for the petitioner.

4. Be that as it may, the petitioner has not placed any Revenue records before us to come to the conclusion that Survey Nos. 523/12, 523/13 and 523/4 are Government lands. That apart, there is no statutory duty cast upon for the respondents 1 to 7 to dispose of the representation



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of the petitioner. In the absence of statutory duty, a writ of mandamus cannot be issued.

5. In the result, this writ petition is dismissed as being devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

[P.N.P., J.] [R.H., J.]
06.07.2022

Index : Yes / No
Internet : Yes / No

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To:

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7.The Sub Registrar,
Colachel Sub Registrar Office,
Colachel, Kanyakumari District.

Copy to:-

8.Anand Abraham
S/o.Masillamani,
Water Tank Road,
Nagercoil, Kanyakumari District.

9.Manilla
W/o.Anand Abraham,
Water Tank Road,
Nagercoil, Kanyakumari District.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

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