



W.P.(MD)Nos.16551 and 16552 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)Nos.16551 and 16552 of 2022

1.Yehaiah	... Petitioner in W.P(MD)No. 16551 of 2022
2.Mohamed Dhaseen	... Petitioner in W.P(MD)No. 16552 of 2022

Vs.

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

3.The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.

4.The Junior Engineer,
Water Resources Department,
Irrigation Section,
Nagercoil,
Kanyakumari District.

... Respondents in both W.Ps



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Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to demarcate the boundaries of petitioner residential house in Survey No.S.6/53 in Vadivesswaram Village, Agastheeswaram Taluk, Kanyakumari District and survey way the petitioner land before the passing the order of demolition and thereby the fourth respondent to considering petitioner's representations dated 14.03.2022.

For Petitioners
in both W.Ps :Mr.AJ.Mohammed Kassim

For R1,2 &4 :Mr.N.Satheesh Kumar
in both W.Ps Additional Government Pleader

For R3
in both W.Ps :Mr.P.Aathimoola Pandian

COMMON ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

These writ petitions are filed for the issuance of a writ of Mandamus to direct the fourth respondent to demarcate the boundaries of the petitioners' residential house in Survey No.S. 6/53 in Vadivesswaram Village, Agastheeswaram Taluk, Kanyakumari District and survey the petitioners' land before



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passing the order of demolition and thereby the fourth respondent to consider the petitioners' representation dated 14.03.2022.

2. Heard Mr. A. J. Mohamed Kassim, learned counsel appearing for the petitions, Mr. N. Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1, 2 and 4 and Mr. P. Aathimoola Pandian, learned counsel appearing for the third respondent.

3. By consent, these writ petitions are taken up for final hearing.

4. Earlier the writ petitioners have filed two writ petitions in W.P.(MD)Nos.4934 and 4935 of 2022 before this Court challenging the eviction notice passed against the petitioners under Section 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007. This Court dismissed the said writ petitions by granting liberty to the



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petitioners to submit their reply to the notice issued under Form-III. Thereafter, the petitioners have submitted their representations requesting the respondents not to evict them from the encroached portion, even if the alleged encroachment is confirmed after getting value in the land by granting patta. The petitioner's title to the property, as per the patta granted in their favour is not an issue.

5.Since the respondents are taking action only against the encroached portion, the petitioners' representation to grant patta for the encroached land, cannot be considered, merely because the petitioners' have encroached the Government land and put up the constructions.

6.In view of the above, this Court finds no merit in these writ petitions. Hence, these Writ Petitions stands dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
27.07.2022

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