



W.P.(MD) No.24622 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.24622 of 2018

and

W.M.P.(MD)No.22326 of 2018

J.Jefery Shiju Joe

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Divisional Engineer,
National Highways,
(Construction and Maintenance),
Nagercoil, Kanyakumari District.

3.The Assistant Divisional Engineer,
National Highways, Nagercoil,
Kanyakumari District.

Page 1 of 6



W.P.(MD) No.24622 of 2018

WEB COPY

4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Thuckalay, Kanyakumari District.

5.The Tahsildar,
Kalkulam at Thuckalay,
Kanyakumari District.

6.C.Neelakandan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the 6th respondent in R.S.No.19/1 of Thalakulam Village, which is classified as Salai Poromboke in order to lay down concrete pavement for the public to use parking of their two wheelers.

For Petitioner	: Mr.S.Xavier Rajini
For R1 to R5	: Mr.S.P.Maharajan Special Government Pleader
For R6	: Mr.K.P.Narayana Kumar



W.P.(MD) No.24622 of 2018

WEB COPY

ORDER

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

This Writ Petition has been filed, seeking for a direction to the respondents to remove the encroachment made by the 6th respondent in R.S.No.19/1 of Thalakulam Village, which is classified as Salai Poramboke in order to lay down a concrete pavement for the public to use parking of two wheelers.

2.The grievance of the petitioner is that the 6th respondent has encroached the Salai Poramboke land in R.S.No.19/1 thereby preventing the public to park their vehicles in the land in question. Hence, the petitioner made representations dated 03.01.2018 and 14.08.2018. Since the same were not considered, this Writ Petition has been filed.

3.The learned Special Government Pleader for the respondents 1 to 5 would submit that the representations of the petitioner dated 03.01.2018 and

Page 3 of 6



W.P.(MD) No.24622 of 2018

14.08.2018 will be considered on merits and appropriate orders will be passed thereon within a time frame to be fixed by this Court.

4.In view of the above said submission, without going into the merits of the claim made by the petitioner, we direct the 2nd respondent to consider the representations of the petitioners dated 03.01.2018 and 14.08.2018 on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after giving sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

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

11.10.2022

Index : Yes / No

Internet : Yes / No

Myr

Page 4 of 6



W.P.(MD) No.24622 of 2018

WEB COPY

To:

- 1.The District Collector,
Kanyakumari District at Nagercoil.
- 2.The Divisional Engineer,
National Highways,
(Construction and Maintenance),
Nagercoil, Kanyakumari District.
- 3.The Assistant Divisional Engineer,
National Highways, Nagercoil,
Kanyakumari District.
- 4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Thuckalay, Kanyakumari District.
- 5.The Tahsildar,
Kalkulam at Thuckalay,
Kanyakumari District.



WEB COPY



W.P.(MD) No.24622 of 2018

R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

Myr

W.P.(MD)No.24622 of 2018

11.10.2022

Page 6 of 6