



W.P(MD)No.27652 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.27652 of 2022

Justin Raj

... Petitioner

VS.

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The Block Development Officer,
Killiyoor Panchayat Union,
Killiyoor,
Kanyakumari District.
- 4.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 5.The President,
Kollanchi Village Panchayat,
Nattalam Post,
Kanyakumari District.



W.P(MD)No.27652 of 2022

6.Paul Raj

7.David Jayasingh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized concrete layer put up by the sixth respondent in front of his house from his compound wall to about from 3-1/2 feet height to one feet height in the edge of the opposite side road in the manner of slope on the existing concrete road in the Pullani – Chemudhal road maintained by the fifth respondent forthwith.

For Petitioner : Mr.S.Sivakumar

For RR 1 & 2 : Mr.K.Balasubramani
Additional Government Pleader

For RR 3 & 5 : Mr.M.Sarangan

For R – 4 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R – 6 : Mr.P.F.Ferlin Castro

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized concrete layer put up by the sixth respondent in front of his house from his



W.P(MD)No.27652 of 2022

WEB COPY

compound wall to about from 3-1/2 feet height to one feet height in the edge of the opposite side road in the manner of slope on the existing concrete road in the Pullani – Chemudhal road maintained by the fifth respondent forthwith.

2.The allegation of the petitioner is that encroachment on the road has not been removed by the authorities concerned and seeking for the aforesaid prayer.

3.It is an admitted fact that earlier, for the similar relief, the petitioner filed a writ petition in W.P(MD)No.24629 of 2022 and this Court, by order, dated 09.11.2022, has held as follows:-

“4.On a perusal of the photographs, dated 07.11.2022, produced by the learned Additional Government Pleader appearing for the first respondent, it is seen that the concrete layer put up by the fourth respondent has been removed, pursuant to resolution passed in this regard by the third respondent Village Panchayat. Perusal of the records shows that the place in question is a hilly area and therefore, naturally, the road would have got ups and downs and hence, the petitioner's claim that it is a big main road and that there



W.P(MD)No.27652 of 2022

WEB COPY is a big vehicular traffic, are not acceptable. However, this Court directs the third respondent herein to respond to such complaint, if any, arises in future.

5. This Writ Petition stands closed accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.”

4.In view of the above, we are not inclined to entertain the Writ Petition, since the similar issue has already been considered by this Court and the concrete layer put up by the sixth respondent has been removed, pursuant to the resolution passed in this regard by the Village Panchayat. If there is any violation of the said order, it is open to the petitioner to seek appropriate remedy in the manner known to law.

5.Accordingly, this Writ Petition is dismissed. No costs.

[D.K.K.,J.] [R.V.,J.]
07.12.2022

Index : Yes / No
Internet : Yes
ps



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WEB COPY



W.P(MD)No.27652 of 2022

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ps

ORDER MADE IN
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