



W.P(MD)No.27421 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.27421 of 2022

R.Pushpalatha

... Petitioner

VS.

1.The Secretary,
Tamil Nadu Government,
Secretariat, Chennai-600 009.

2.The District Collector,
Kanyakumari District,
Office at Nagercoil,
Kanyakumari District-629 001.

3.The Revenue Divisional Officer,
Padmanabhapuram Revenue Division,
Thuckalay Post, Kanyakumari District.

4.The Tahsildar,
Vilavancode Taluk,
Office at Kuzhithurai,
Kanyakumari District.

5.S.Bright Leo

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus, directing the respondents 2 to

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4 to remove the encroachments and obstructed portion of compound wall constructed by the 5th respondent in New Survey No.60/2 equal to Old Survey No.3055/2 situated at Nalloor Village, Vilavancode Taluk, Kanyakumari District and to save the Government Odai puramboke land.

For petitioner : Mr.T.Murugan

For RR 1 to 4 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to remove the encroachments and obstructed portion of compound wall constructed by the 5th respondent in New Survey No.60/2 equal to Old Survey No.3055/2 situated at Nalloor Village, Vilavancode Taluk, Kanyakumari District and to save the Government Odai poramboke land.

2. Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Seeking removal of the aforesaid encroachment, the petitioner made representations, dated 31.10.2011 and 26.09.2022 to the official respondents. Since the same have not been considered so far, the petitioner has filed the present Writ Petition.

5. The learned Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representations, dated 31.10.2011 and 26.09.2022 would be considered and appropriate action will be taken in accordance with law.

6. In view of the above, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representations of the petitioner, dated 31.10.2011 and 26.09.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the authorities concerned shall take necessary action for removal of



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such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] [J.S.N.P.,J.]
02.12.2022

Index : Yes / No
Internet : Yes
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To

- 1.The Secretary,
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- 2.The District Collector,
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Office at Nagercoil,
Kanyakumari District-629 001.
- 3.The Revenue Divisional Officer,
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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