



W.P.(MD)No.20744 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

CORAM

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

W.P(MD)No.20744 of 2017

Black Rock Hill Planters Association,
Rep. by its Secretary,
Mr.P.Lalaji,
No.6, Perumal Street, K.P. Road,
Ramavarmapuram,
Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collectorate,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,,
Thovalai Taluk,
Bhoothapandi Post,
Kanyakumari District.
- 4.The Assistant Director,,
Town Panchayat,
Nagercoil,
Kanyakumari District.



W.P.(MD)No.20744 of 2017

5.The Azhagiapadiyapuram Town Panchayat,
Rep. by its Executive Officer,
Nagercoil,
Kanyakumari District.

6.Singaram

7.Mohan

8.Murugan

9.Satheesh

10.Pennuma Alias Fathima

11.Subaida

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 to 5 to remove the illegal encroachment made by respondent Nos.6 to 11 in the northern side of Palkulam-Karumparai road of Gnam Village in Survey No.607, 610 situated at Azhagiapadiyapuram Town Panchayat, Nagercoil, Kanyakumari District within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader

For 5th Respondent : Mr.S.Kumar
Standing Counsel

For Respondents 6 to 11 : No appearance

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W.P.(MD)No.20744 of 2017

ORDER

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

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The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the directing the respondent Nos.1 to 5 to remove the illegal encroachment made by respondent Nos.6 to 11 in the northern side of Palkulam-Karumparai road of Gnam Village in Survey No.607, 610 situated at Azhagiapadiyapuram Town Panchayat, Nagercoil, Kanyakumari District within a time frame.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for respondents 1 to 4 and Mr.S.Kumar, learned Standing Counsel appearing for the second respondent.

3. Claiming that the northern side of Palkulam-Karumparai road of Gnam Village in Survey No.607, 610 situated at Azhagiapadiyapuram Town Panchayat, Nagercoil, Kanyakumari District, is encroached by various persons, the petitioner submitted a representation to the official respondents on 14.07.2017. On 20.07.2017, the 4th respondent through his proceedings in



W.P.(MD)No.20744 of 2017

Na.Ka.No.4028/2017/Pa6 has directed the 5th respondent to take effective steps on the petitioner's representation and in pursuant to the same, on 28.08.2017, the 5th respondent through his proceedings in No.153/2017/A1 has requested the third respondent to survey the road and remove the encroachment and the same, according to learned counsel for the petitioner, is unattended.

4. Considering the facts and circumstances of the case, without expressing any opinion on the merits of claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to conduct survey of Palkulam-Karumparai road of Gnam Village in Survey No.607, 610 situated at Azhagiapadiyapuram Town Panchayat, Nagercoil, Kanyakumari District, after issuing notice the petitioner, respondents 6 to 11 and any others concerned, and if there is any encroachment as alleged by the petitioner, necessary action has to be taken by the authorities for removal of encroachment on Palkulam-Karumparai road of Gnam Village in Survey No.607, 610 situated at Azhagiapadiyapuram Town Panchayat, Nagercoil, Kanyakumari District, by following due process of law. Such an exercise shall be



W.P.(MD)No.20744 of 2017

completed within a period of eight weeks from the date of receipt of

a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
13.09.2022

Internet : Yes / No

Index : Yes / No

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To

- 1.The District Collector,
O/o. District Collectorate,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
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W.P.(MD)No.20744 of 2017

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W.P(MD)No.20744 of 2017

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