



W.P(MD)No.28690 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

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

**W.P(MD)No.28690 of 2022
and
W.M.P(MD)No.22687 of 2022**

1.M.Arokiaselvan
2.Raja
3.E.Velmurugan

... Petitioners

vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Revenue Divisional Officer,
Nagercoil.
- 3.The Tahsildar,
Thovalai Taluk,
Boothapandi Post,
Kanyakumari District.
- 4.The Assistant Director of Town & Country Planning,
Collectorate Campus,
Nagercoil,
Kanyakumari District.
- 5.The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil.



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6.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Nagercoil.

7.The Executive Officer,
Thazhakudy Town Panchayat,
Thazhakudy & Post,
Kanyakumari District.

8.Kannan

9.Paulraj

... 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 7 to take appropriate action to prevent the respondents 8 and 9 from dumping gravel and stones in the land in R.S.No.180/1 of Thazhakudi Village, Thovalai Taluk, Kanyakumari District for the purpose of converting the same into housing plots.

For Petitioners : Mr.C.T.Perumal

For RR 1 to 7 : Mr.P.Thilak Kumar
Government Pleader



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ORDER

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

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 to 7. Having regard to the nature of the order proposed to be passed, notice to the respondents 8 and 9 is dispensed with.

2. The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to take appropriate action to prevent the respondents 8 and 9 from dumping gravel and stones in the land in R.S.No.180/1 of Thazhakudi Village, Thovalai Taluk, Kanyakumari District for the purpose of converting the same into housing plots.

3. According to the petitioners, R.S.No.180/1 of Thazhakudy Village admeasuring 26 acres belongs to the 8th respondent. The said land is a agricultural land irrigated by Natchiar Pudukulam. It is situated on the Southern side of Erachi Kulam – Thazhakudy Road and the said land is surrounded by 680 acres of agricultural land. In the mean time, the 9th respondent, without obtaining any planning approval from the official



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respondents, is dumping gravel with stones in the said land for the purpose of developing it into housing plots. Hence the petitioners made a representation, dated 13.12.2022 to the official respondents. Since the same has not been considered so far, the petitioners have filed the present Writ Petition.

4. The learned Government Pleader appearing for the respondents 1 to 7, on instructions, submitted that the petitioners' representation, dated 13.12.2022 would be considered and appropriate action will be taken in accordance with law.

5. In view of the abovesaid submissions, without going into the merits of the claim made by the petitioners, the authorities concerned are directed to consider the representation of the petitioners, dated 13.12.2022 and pass appropriate orders, on merits and in accordance with law, after due opportunity of hearing to all the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
22.12.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
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Nagercoil.
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and
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ORDER MADE IN
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DATED : 22.12.2022