



W.P.(MD) No.6597 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.6597 of 2013

A.Nagarajan

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Public Works Department,
Irrigation, Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.



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WEB C 4.V.Thiagarajan

5.P.Mahalingam

6.S.Manoharan

7.T.Lingaeswaran

8.S.Subbaiah Nadar

9.P.Chinnakani

10.S.Thangam

11.R.Duraimani

12.V.Rajkumar.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 17.12.2012, in Petition No.AA/12/35851 on the file of the 1st respondent.

For Petitioner : Mr.J.Johan Jayakumar

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R3
No Appearance for R4 to R12



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 17.12.2012, in Petition No.AA/12/35851 on the file of the 1st respondent.

2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 has produced a copy of the proceedings of the Thasildar, Nagercoil, in AA4/173/2023, dated 07.01.2023 and submitted that the petitioner has encroached the land in S.No.371/3, which was classified as Government Poramboke Odai and he has obstructed the free flow of water, by laying a road in the aforesaid land. He further submitted that apart from that, three persons were encroached the said lands and a temple is also situated. The respondents will take necessary action for removal of the same. He further submitted that there is a proposal for providing an alternative site to the encroachers.



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3. Recording the aforesaid submissions, this Writ Petition is disposed of directing the respondents to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of four [4] weeks from the date of receipt of a copy of this order. The respondent shall take necessary steps for providing alternative site to the encroachers, as early as possible. No costs.

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

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsm



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