



W.P.(MD)Nos.17785 to 17788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)Nos.17785 to 17788 of 2023

and

W.M.P(MD)Nos.14848 to 14852 of 2023

W.P(MD)No.17785 of 2023:

S.Thomson

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.
- 2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.



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5.The Block Development Officer /
Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.

6.The Commissioner,
Thovalai Panchayat Union,
Kanyakumari District.

7.The Village Administrative Officer,
Arumanallur Village,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings dated 15.02.2023 passed by the sixth respondent and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani
Special Government Pleader

W.P(MD)No.17786 of 2023:

C.Sahaya Subha

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.



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2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.

4.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.

5.The Block Development Officer /
Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.

6.The Commissioner,
Thovalai Panchayat Union,
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For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani
Special Government Pleader



W.P.(MD)Nos.17785 to 17788 of 2023

W.P(MD)No.17787 of 2023:

WEB COPY A.Thangam

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.
- 2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.
- 5.The Block Development Officer /
Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.
- 6.The Commissioner,
Thovalai Panchayat Union,
Kanyakumari District.
- 7.The Village Administrative Officer,
Arumanallur Village,
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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings dated 15.02.2023 passed by the sixth respondent and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani
Special Government Pleader

W.P(MD)No.17788 of 2023:

Anitha

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District at Nagercoil.
- 2.The District Revenue Officer,
District Revenue Office,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.



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5.The Block Development Officer /
Special Officer,
Arumanallur Panchayat,
Thovalai Panchayat Union,
Kanyakumari District.

6.The Commissioner,
Thovalai Panchayat Union,
Kanyakumari District.

7.The Village Administrative Officer,
Arumanallur Village,
Thovalai Taluk,
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... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings dated 15.02.2023 passed by the sixth respondent and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani
Special Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. By the impugned proceedings, the petitioners have been directed to vacate the petition mentioned lands. It is not in dispute that the Survey No. 213/5 and Survey No.96 are water bodies known as “Sekkadikulam”. The



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petitioners have not been granted patta and their possession was never recognized or regularized. One David filed W.P(MD)No.2797 of 2019 for directing the authorities for removal of the encroachments made in the aforesaid water body. The writ petition was disposed. Since no action was taken, David filed Cont P(MD)No.1612 of 2021. That triggered the issuance of the impugned notices. We do not find any ground to interfere with the impugned proceedings. The petitioners have been occupying a water body and the same cannot be condoned.

3. However, we called upon the respondents to consider allotting alternative sites to the petitioners. Today when the matter was taken up for hearing, it is submitted that the District Collector, Kanyakumari has issued proceedings dated 31.03.2023 allotting house sites in favour of all the four petitioners herein. The learned counsel appearing for the petitioners apprehends that since the allotments made in favour of some other persons were cancelled and in their places the petitioners were given allotments, this can give rise to possible litigation and controversy in future.

4. That may be so. But on that ground we cannot interfere with the impugned orders. Considering the facts and circumstances of this case, the



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petitioners are given six months from today (01.08.2023) to vacate the petition mentioned premises. It is for the petitioners to make alternative arrangements in the meanwhile. The impugned orders are sustained.

5. These writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
01.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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District Revenue Office,
Kanyakumari District.
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Revenue Divisional Office,
Nagercoil,
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Tahsildar Office,
Thovalai Taluk,



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Kanyakumari District.

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