



*W.P.(MD) No.19535 of 2014*

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 16.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.(MD) No.19535 of 2014**

T.Ayyasamy Pandian

... Petitioner

/vs./

1.The District Collector,  
Kanyakumari District.

2.The Tahsildar,  
Agastheeswaram Taluk,  
Kanyakumari District.

3.R.Krishnadas

4.Balamurugan

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to remove the encroachment made by the 3<sup>rd</sup> and 4<sup>th</sup> respondents in the pathway paramboke, situated in S.No.180/9 in Neendakarai A Village in Agastheeswaram Taluk in Kanyakumari District, by disposing the Petitioner's representation dated 07.10.2014 as accordance with law within a time to be fixed by this Court.



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For Petitioner : Mr.R.Suriya Narayanan  
For R1 & R2 : Mrs.D.Farjana Ghoushia  
Special Government Pleader  
For R3 : No appearance  
For R4 : Mr.Ka.Ramakrishnan

### **ORDER**

The prayer in the writ petition is seeking for a Mandamus to direct the respondents 1 and 2 to remove the encroachment made by the respondents three and four in the pathway situated in S.No.180/9 at Neendakarai A Village, Agastheeswaram Taluk, Kanyakumari District, by disposing of the petitioner's representation dated 07.10.2014.

2.When the matter was taken up for hearing today, the learned Special Government Pleader for the respondents 1 and 2 had produced a report of the Village Administrative Officer, Neendakarai A Village, Agastheeswaram Taluk, Kanyakumari District stating that S.No.180/9, measuring an extent of 0.04.5 ares, is a Government Poramboke land and the same is being used as a pathway and that such pathway has been put to use for the past 4 years. Therefore, there is no encroachment as of today.



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3.In view of the aforesaid report, no further adjudication is required to be made in this writ petition and the Writ Petition is closed, accordingly. However, liberty is granted to the petitioner to approach the appropriate authority in future, if any encroachment is sought to be made by any of them. There shall be no order as to costs.

Speaking : Yes / No  
NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No

**16.02.2023**

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To

- 1.The District Collector,  
Kanyakumari District.
- 2.The Tahsildar,  
Agastheeswaram Taluk,  
Kanyakumari District.



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**K.KUMARESH BABU, J.**

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