



WP(MD)No.20434 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP(MD)No.20434 of 2014 and
MP(MD)Nos.1 and 2 of 2014**

Jesu Antony

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.The Panchayat President,
Simon Colony Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records of the impugned order passed by the 2nd respondent in Mu.Mu.A3/1251/2014 dated 04.03.2014 and quash the same as illegal.

For Petitioner : Mr.L.George Paul Anto

For Respondents : Mr.S.Shaji Bino,

Special Government Pleader



WP(MD)No.20434 of 2014

ORDER

WEB COPY

This writ petition has been filed as against the eviction order of the 2nd respondent/ Revenue Divisional Officer, Thuckalay, Kanyakumari District.

2.The learned Special Government Pleader appearing for the respondents submits that the petitioner has encroached upon the government land and has planted coconut trees thereon. The impugned order has been issued for laying road in the said place. The petitioner by filing this writ petition has protracted laying of the road for the past nine years.

3.The learned Counsel for the petitioner submits that the place in dispute is the petitioner's patta land.

4.In view of the above this Court suggested to survey the land in the presence of the petitioner, for which, the learned Counsel for the petitioner submits that the petitioner is aged about 84 years and he is unable to get instructions from the petitioner.



WP(MD)No.20434 of 2014

5.The petitioner by filing this writ petition has prevented the authorities from laying a public road. This Court is of the view that the writ petition has to be dismissed with costs. However considering the age of the petitioner, this Court refrains from imposing cost. In the result, this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are also dismissed.

01.06.2023

Internet : Yes / No

DSK
To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
- 4.The Panchayat President,
Simon Colony Panchayat,
Kanyakumari District.



WEB COPY



WP (MD) No.20434 of 2014

B. PUGALENDHI, J.

dsk

WP (MD) No.20434 of 2014

01.06.2023