

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6325 of 2015

and

M.P.(MD)No.2 of 2015

Sister.Archana

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The District Revenue Officer,
Kanyakumari.

3.The Revenue Divisional Officer,
Nagercoil.

4.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.A4/2077/2015 dated 15.4.2015 and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner had filed W.P.(MD)No.2768 of 2015. The said writ petition was disposed of as follows:-

“Heard the learned counsel on either side. 2. The prayer in this writ petition is confined to the land comprised in Survey No.631-1A1, Gnalam Village in Thovalai Taluk. A cross had been planted. The respondents concede that Survey No. 631-1A1 is a patta land. But the cross appears to have been planted in Survey No.631/1C which is a Government poramboke. If the petitioner had planted the cross in Government Poramboke, the petitioner shall herself shift it inside the compound. The learned counsel appearing for the petitioner continues to assert that the cross is in Survey No. 631-1A1 and not in Survey No. 631/1C.

3. The fourth respondent is directed to conduct survey. Survey shall be conducted after due notice to the petitioner. The survey exercise shall be completed within a period of three week from the date of receipt of a copy of this order. If at the end of the survey, it is concluded that cross has been put up in Survey No.631/1C, it shall be removed.

4. According to the respondents, even for planting the cross in a manner that is open to the general public, permission has to be obtained

under Rule 4(3) of the Tamil Nadu Panchayat Building Rules, 1997. It is open to the respondents to issue notice to the petitioner herein and take action as per law. The prayer in this writ petition itself is only to the limited extent that the respondents must adopt due process of law and nothing more.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.”

3. The impugned order will abide by the outcome of the survey exercise to be undertaken pursuant to the aforesaid order.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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