



W.P(MD)No.27588 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P(MD)No.27588 of 2023

M.Senthur Kanimozhiyan

... Petitioner

vs.

- 1.The Additional Chief Secretary / The
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 2.The District Collector,
Kanyakumari District and
The head of the Deistrict Level,
Steering Committee on Encroachment,
Nagercoil – 629 001,
Kanyakumari District.
- 3.The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.
- 4.The District Revenue Officer,
Head of District Level Review Committee,
O/o. District Revenue Officer,
Nagercoil, Kanyakumari District.
- 5.The Revenue Divisional Officer,
Head of Appellate Committee,
O/o.Revenue Divisional Officer,
Nagercoil, Kanyakumari District.



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6.The Tahsildar,
Agastheeswaram,
Nagercoil, Kanyakumari District.

7.The Assistant Divisional Engineer,
Highways Department,
PWD Compound, Veppamoodu Junction,
Chidambara Nagar,
Nagercoil, Tamil Nadu – 629 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to conduct survey of the road called as Avvai Shanmugam Salai at Meenakshipuram, Nagercoil, Kanyakumari District and remove all the encroachments made on either side of Avvai Shanmugam Salai at Meenakshipuram, Nagercoil and to direct the respondents to monitor the area periodically so as to ensure no encroachment on the road.

For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mr.P.Thilak Kumar,
Govt. Pleader for R1, R2 & R4 to R7

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed in this Court on 17.11.2023 as a 'Public Interest Litigation' ['PIL' for the sake of brevity].



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2. Captioned WP pertains to alleged encroachment on either side of what is known as 'Avvai Shanmugam Salai at Meenakshipuram, Nagercoil, Kanyakumari District' [hereinafter 'said road' for the sake of convenience].

3. Mr.S.Anwar Sameem, learned counsel on record for PIL petitioner is before us.

4. This Court is informed that said road vests in Nagercoil Corporation. This Bench wanted to know the breadth of the road so that prima facie look into the alleged encroachment can be made.

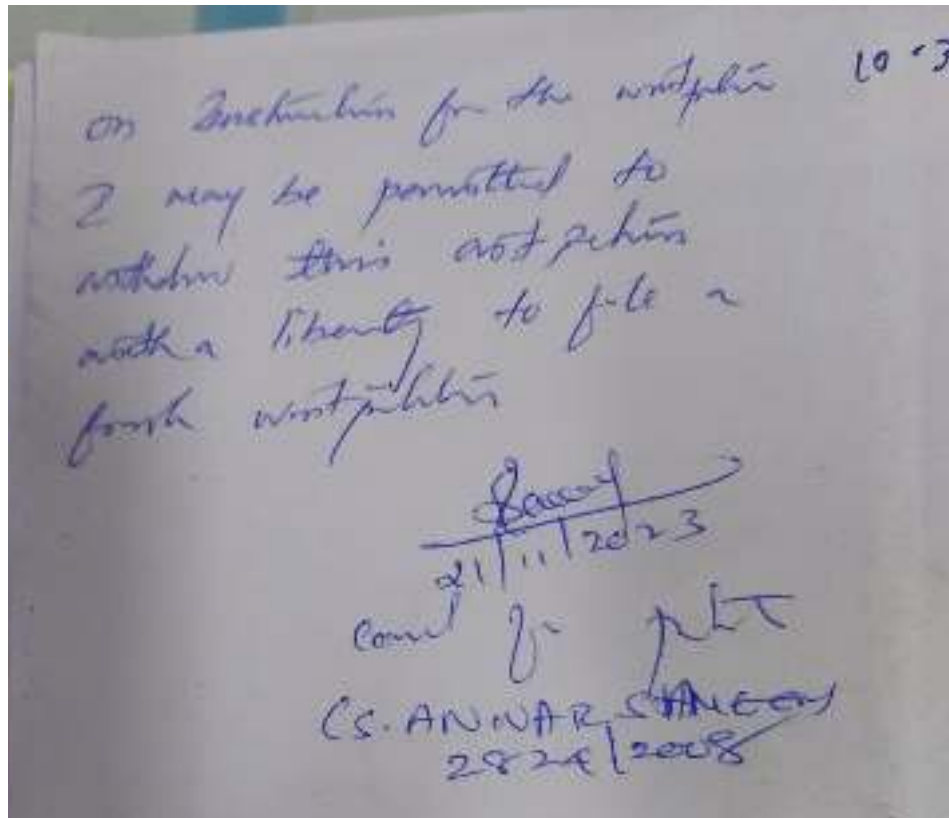
5. Faced with the above situation, learned counsel sought leave of this Court to withdraw this captioned PIL petition but made a plea to preserve the rights of the petitioner and or any one concerned for this matter to come to this Court with the same / similar prayer after doing adequate home work particularly regarding breadth of said road. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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6. Captioned WP is disposed of as withdrawn / closed albeit preserving the rights of the Writ Petitioner and or any one concerned for this matter in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
21.11.2023

Index : Yes/No
Neutral Citation : Yes/No

vsm



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ORDER MADE IN
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