



W.P.(MD) No.3624 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.3624 of 2024

and

W.M.P.(MD)Nos.3563 and 3564 of 2024

Sheeba

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Kanyakumari District.

2.The Executive Officer,
Keelkuzham Town Panchayat,
Keelkuzham, Kanyakumari District.

3.Suganthi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to the impugned notice in Na.Ka.No.361/2023/A1, dated 19.01.2024 and to quash the same and consequently, to direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the property in New Survey No.27/2A, Old Survey No.25/8 of Keezhkulam Village, Kanyakumari District admeasuring 19.900 cents.



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For Petitioner : Mr.S.C.Herold Singh
For R1 : Mr.S.P.Maharajan,
Special Government Pleader
For R2 : Mr.T.Amjadkhan,
Government Advocate

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The eviction notice dated 19.01.2024 issued by the 2nd respondent is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the 3rd respondent as well as her husband by utilizing their political influence, are involving in sand theft and other mineral theft. Therefore, pointing out the illegalities committed by the 3rd respondent and her husband, the petitioner made a complaint to the Puthukadai Police Station. Aggrieved over the same, the 3rd respondent has given a complaint to the 2nd respondent stating that the petitioner has constructed compound wall without leaving 3 feet and planted trees in front of the compound wall. Based on the said



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complaint, the 2nd respondent has issued the impugned eviction notice. Therefore, seeking quashment of the impugned eviction notice, the petitioner has filed this Writ Petition on the ground that the 2nd respondent has no jurisdiction to issue the same.

4.A perusal of the affidavit filed in support of this petition reveals that the petitioner has constructed the compound wall without leaving the required distance and further, she planted trees in front of the compound wall. Therefore, we are of the view that she cannot have any right to construct the compound wall on the street and therefore, it is to be construed as an encroachment. Since there is no merit in this Writ Petition, the same is liable to be dismissed, accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]

16.02.2024

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

Yuva



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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

To

- 1.The District Collector,
Collectorate, Kanyakumari District.
- 2.The Executive Officer,
Keelkuzham Town Panchayat,
Keelkuzham, Kanyakumari District.

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