



W.P.(MD) No.12949 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.12949 of 2024

T.Joseph Benin

... Petitioner

-vs-

- 1.The District Collector
Nagercoil
Kanyakumari District
- 2.The Revenue Divisional Officer
Padmanabhapuram
Thuckalay Post
Kanyakumari District
- 3.The Thasildhar /
Monitoring Committee
Padmanabhapuram
Thuckalay Post
Kanyakumari District
- 4.The Executive Officer
Manavalakurichy Town Panchayat
Manavalakurichy
Kanyakumari District



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5.Mariya Jeyanthan

6.Savariyar Pichai

7.Asha Susi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the unauthorized construction put up by the respondents 5 to 7 comprised in Resurvey No.385/1, which classified as “Government Puramboke Nadai Pathai” of Manavalakurichy Vilalge, Kalkulam Taluk.

For Petitioner : Mr.C.S.Lenin

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents 1 to 4.



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2. Issuance of notice to the private respondents is dispensed with.

3. The petitioner alleges that the private respondents have put up unauthorized construction in the petition mentioned public pathway. He wants the same to be removed. The petitioner has already given a representation in this regard.

4. We direct the fourth respondent to take action on the petitioner's representation dated 04.09.2023. The fourth respondent will issue notices to the private respondents before passing final order. During enquiry, if it is found that the public pathway has been encroached upon, it is the duty of the fourth respondent to cause removal of the encroachment. The entire exercise shall be completed by the fourth respondent within a period of twelve weeks from the date of receipt of a copy of this order. We make it clear that we have not gone into the merits of the matter. All the contentions and defence of the private respondents are left open.



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5. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., A.C.J.]

[G.R.S., J.]

19.06.2024

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

krk / ias

To:

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
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Padmanabhapuram,
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