



W.P(MD)No.16719 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.16719 of 2024

L.Sunil Kumar

... Petitioner

vs.

- 1.The District Collector/Monitoring Committee,
Kanyakumari District at Nagercoil,
Nagercoil Post.
- 2.The Assistant Director Panchayath,
Kanyakumari District,
Collectorate at Nagercoil Post.
- 3.The Block Development Officer,
Melpuram Panchayath Union,
Melpuram Post,
Kanyakumari District.
- 4.The President,
Vilavancode Village Panchayat at Palavilai,
Kuzhithurai Post,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to complete the proceedings O.Mu.Na.Ka.No.A5/921/2024 dated 19.03.2024 based on the representation dated 08.03.2024 hereby taking necessary



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action to maintain and level the pathway in Survey No.586/13B2 length 140 links, width 10 links Vilvancode Village, Vilavancode Taluk, Kanyakumari District based on the representation sent by the petitioner on 08.03.2024.

For Petitioner : Mr.M.Francis Xavier

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R.1 to R.3

: Mr.K.Gini Manuel
Standing Counsel
for R.4

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to complete the proceedings O.Mu.Na.Ka.No.A5/921/2024 dated 19.03.2024 based on the representation dated 08.03.2024 hereby taking necessary action to maintain and level the pathway in Survey No.586/13B2 length 140 links, width 10 links Vilvancode Village, Vilavancode Taluk, Kanyakumari District based on the representation sent by the petitioner on 08.03.2024.

2.The pathway in Survey No.586/13B2 length of 140 links, width of 10 links at Vilvancode Village, Vilavancode Taluk, Kanyakumari



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District is to be maintained as a pathway and in this regard, the encroachment if any made by any third parties have to be removed and the fourth respondent Village Panchayat shall continue to maintain the pathway as such, that is the main prayer sought for in this Writ Petition.

3.Heard Mr.M.Francis Xavier, learned counsel appearing for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 3 and Mr.K.Gini Manuel, learned standing counsel appearing for the fourth respondent.

4.The learned standing counsel appearing for the fourth respondent would submit that as per the earlier proceedings, the pathway in question shall be definitely maintained as a pathway and in this regard, if there has been any hindrance by way of encroachment made by any third parties, that would be immediately evicted and in this regard, action would be taken by the fourth respondent in consultation with the third respondent.

5.In view of the said stand taken by the fourth respondent, who is the custodian of the pathway in the Village Panchayat concerned, recording the same, we do feel that this Writ Petition can be disposed of by giving a direction to the fourth respondent to act upon as stated by them to



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maintain the pathway in question without any encroachment for the free flow of ingress and egress as well as local traffic.

6.With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
24.07.2024

NCC : Yes / No
Index : Yes / No
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To

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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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