



W.P.(MD).No.24715 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH  
AND  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.24715 of 2018  
and  
W.M.P.(MD).Nos.22405 and 22406 of 2018

K.Iyyadurai,  
Represented by his Power Agent,  
T.Rethinamani.

... Petitioner

Vs.

- 1.The Executive Engineer,  
Public Works Department,  
(Construction and Maintenance),  
Nagercoil, Kanyakumari District.
- 2.The Assistant Director (Survey),  
Collector Office, Nagercoil,  
Kanyakumari District.
- 3.The Assistant Executive Engineer,  
Public Works Department,  
(Construction and Maintenance),  
Thuckalay, Kanyakumari District.
- 4.The Commissioner,  
Padmanabapuram Municipality,  
Kanyakumari District.



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5.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from initiating any coercive action based on the notice of the 3<sup>rd</sup> respondent dated 23.11.2018 without following the due process of law by conducting proper survey and fixing the definite boundary of the property in Survey Nos.B8-191/1 and B8-189 of Thuckalay Village, Kalkulam Taluk, Kanyakumari District as well as marking the exact encroachment by considering the representation of the petitioner dated 10.12.2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

### **ORDER**

**(Order of the Court was made by M.S.RAMESH,J.)**

The present Writ Petition is filed for Mandamus, forbearing the respondents from initiating any coercive action based on the notice of the 3<sup>rd</sup> respondent dated 23.11.2018, without following the due process of law by conducting proper survey and fixing the definite boundary of the property in Survey No.B8-191/1 and B8-189 of Thuckalay Village, Kalkulam Taluk,



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Kanyakumari District as well as marking the exact encroachment by considering the representation of the petitioner dated 10.12.2018.

2. The prayer in the present Writ Petition has become infructuous since the respondents herein, had already sealed the premises in Survey Nos.B8-191/1 and B8-189 of Thuckalay Village, Kalkulam Taluk, Kanyakumari District, after following due process of law.

3. Accordingly, the Writ Petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**(M.S.R.,J.) (A.D.M.C.,J.)**  
**11.12.2024**

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

To

1.The Executive Engineer,  
Public Works Department,  
(Construction and Maintenance),  
Nagercoil, Kanyakumari District.

2.The Assistant Director (Survey),  
Collector Office, Nagercoil,  
Kanyakumari District.



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3. The Assistant Executive Engineer,  
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(Construction and Maintenance),  
Thuckalay, Kanyakumari District.

4. The Commissioner,  
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Kanyakumari District.

5. The Tahsildar,  
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Kanyakumari District.



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**M.S.RAMESH,J.**  
**and**  
**A.D.MARIA CLETE,J.**

Lm

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