



W.P(MD)No.15916 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.15916 of 2016

S.M.Antony Muthu

... Petitioner

VS.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

3.Sornabai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to retrieve the Government poramboke lands comprised in Survey Nos. 88/5, 97/2, 97/6, 97/8, 97/9 & 97/10, patta No.15 of Aloor A Village, Kalkulam Taluk, Kanyakumari District admeasuring an extent of 1 acre, 10 cents and 15 links from the fourth respondent.



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For Petitioner

: Mr.C.T.Perumal

For Respondent Nos.1 & 2

: Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to direct the respondents 1 and 2 to retrieve the Government poramboke lands comprised in Survey Nos. 88/5, 97/2, 97/6, 97/8, 97/9 & 97/10, patta No.15 of Aloor A Village, Kalkulam Taluk, Kanyakumari District admeasuring an extent of 1 acre, 10 cents and 15 links from the fourth respondent.

2. Seeking removal of encroachments made by the third respondent in the abovesaid lands, the petitioner made a representation, dated 12.08.2016 to the respondents 1 and 2. Till date, no action has been taken. Hence, this writ petition.

3. Learned Government Advocate appearing for the respondents 1 and 2 would submit that the second respondent will consider and dispose of the petitioner's representation dated

2/5



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12.08.2016 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

4. Considering the submissions made on either side, without expressing any opinion on the claim made by the petitioner, the second respondent is directed to consider and dispose of the representation of the petitioner dated 12.08.2016, on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, the Writ Petition is disposed of.

No costs.

[D.K.K.,J.] [R.V.,J.]
23.01.2024

NCC : Yes / No
Index : Yes / No
ps

To

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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