



W.P(MD)No.23398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.23398 of 2024

Sivasingh

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Suchindrum,
Kanyakumari District.

2.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

3.Bagavathiammal

4.Kani

5.Sahitha

6.Oliyatheen

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to remove the names of the encroachers from the patta of the Survey No.645/5 of Kanniyakumari Revenue Village in Agastheeswaram Taluk,



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Kanniyakumari District in respect of the property belonging to the Arulmigu Bhagavathiamman Temple, Kanyakumari as per the communication of the first respondent dated 04.07.2022 within the time limit stipulated by this Court.

For Petitioner : Mr.A.S.Abdul Kalaam Azad

For Respondents : Mr.R.Shankar Ganesh
for R.1

Mr.K.S.Selvaganesan
Additional Government Pleader
for R.2

ORDER

The writ petition is filed for Mandamus directing the second respondent to remove the names of the encroachers from the patta of the Survey No.645/5 of Kanniyakumari Revenue Village in Agastheeswaram Taluk, Kanniyakumari District, in respect of the property belonging to the Arulmigu Bhagavathiamman Temple, Kanyakumari, as per the communication of the first respondent dated 04.07.2022.

2. In view of the limited relief prayed for and proposed to be granted in the light of facts brought to the notice of this Court, notice to the respondents 3 to 6 is dispensed with.



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3. At the outset, it is submitted by the learned Additional Government Pleader that the second respondent has already initiated enquiry and that enquiry would be completed, in accordance with law. The same is acceded to by the learned counsel for the petitioner.

4. In view thereof, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to complete the enquiry and pass orders on merits and in accordance with law, after issuing notice to the petitioner, respondents 3 to 6 and any other interested parties / stake holders, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

5. Accordingly, this Writ Petition is disposed of. No costs.

01.10.2024

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



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MOHAMMED SHAFFIQ, J.

MGA

To

The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

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