



WEB COPY

W.P.(MD) No.26975 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.26975 of 2024

and

W.M.P.(MD) No.22848 of 2024

Bibin Jebasingh

... Petitioner

-VS-

- 1.The District Collector
Office of the District Collector
Nagercoil
Kanyakumari District
Pin-629 001
- 2.The Inspector of Police
Kaliyakkavilai Police Station
Kanyakumari District
Pin-629 163
- 3.The President
Kaliyakkavilai Town Panchayat
Pananthalumodu
Kanyakumari District
Pin-729 163



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4.The Executive Officer
Kaliyakkavilai Town Panchayat
Pananthalumodu Post
Kanyakumari District
Pin-629 163

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to forebear the respondents 3 and 4 from putting up any overhead tank or meddling with the petitioner's property comprised in item No.4, namely, all piece of vacant land measuring an extent of 1 Are equivalent to 2.470, namely, 2 Cents and 470 Sq.links of vacant land at the above said village, within R.S.No.33/8b within the Sub Registration District of Joint No.2, Sub Registrar, Marthandam, Vilavancode Village, Vanniya Desam, Marthandam Registration District, Kanyakumari District, in any manner either by themselves, their workmen, agents, representatives and assigns etc.

For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R3
Ms.M.Aasha
Government Advocate (Criminal Side) for R2
Mr.M.Senthil Ayyanar
Government Advocate for R4



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ORDER

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for the respondents 1 & 3; Ms.M.Aasha, learned Government Advocate (Criminal Side), takes notice for the second respondent and Mr.M.Senthil Ayyanar, learned Government Advocate, takes notice for the fourth respondent.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed for a direction to the respondents 1 and 2 to forebear the respondents 3 and 4 from putting up any overhead tank or meddling with the petitioner's property comprised in Item No.4, namely, all piece of vacant land measuring an extent of 1 Are equivalent to 2.470, namely, 2 Cents and 470 Sq.links of vacant land at the above said village, within R.S.No.33/8b within the Sub Registration District of Joint No.2, Sub Registrar, Marthandam, Vilavancode Village, Vanniya Desam, Marthandam Registration District, Kanyakumari District, in any manner either by themselves, their workmen, agents, representatives and assigns etc.



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4. Without expressing any opinion on the merits of the matter, the first respondent is directed to conduct an enquiry based on the petitioner's representation dated Nil.07.2024 and after issuing due notice to the respondents 3 and 4 and other counter parts, if any, and after affording an opportunity of personal hearing to them, dispose of the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. In the meantime, the respondents 3 and 4 are directed not to disturb the peaceful possession and enjoyment of the petitioner over the subject property.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.11.2024

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

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