



W.P.(MD)No.21661 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21661 of 2017

R.Suyambulingam

: Petitioner

Vs.

- 1.The District Collector,
O/o the District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
O/o. Superintendent of Police,
Kanyakumari,
Kanyakumari District.
- 3.The Tahsildar,
Thackalai Taluk,
Kanyakumari District.
- 4.The Executive Engineer,
Public Works Department,
Nagercoil,
Kanyakumari District.



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5.Kattimankode Panchayat,
Rep. by its Special Officer,
Kattimankode Village,
Thakkalai Taluk,
Kanyakumari District.

6.Kannansamy

7.Krishnansamy

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to restore the public well and pathway leading to public well which is situated in S.No.350/9 at Kattumankode Village and Panchayat, Thackalai Taluk, Kanyakumari District and consequently direct the first respondent to remove the illegal encroachments made by the respondents 6 and 7 within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents 1 to 4 : Mr.N.Satheesh Kumar

Additional Government Pleader

For Respondents 6&7 : Mr.P.Balamurugapandi

For Respondent No.5 : No appearance



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for a direction to the respondents 1 to 5 to restore the public well and pathway leading to public well which is situated in S.No.350/9 at Kattumankode Village and Panchayat, Thackalai Taluk, Kanyakumari District and for a consequential direction to the first respondent to remove the illegal encroachments made by the respondents 6 and 7.

2.The petitioner has not filed any supporting documents to establish that the property in question in S.No.350/9 at Kattumankode Village and Panchayat, Thackalai Taluk, Kanyakumari District, is classified as a public well and pathway. Therefore, we are not inclined to pass any positive direction as prayed for in the present Writ Petition. However, the Tahsildar, Thackalai Taluk is directed to consider the representation of the petitioner dated 11.10.2017 and pass appropriate orders on merits after affording an opportunity of hearing to the parties concerned.



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3.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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