



W.P.(MD) No.22817 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22817 of 2017

and

W.M.P.(MD) No.19112 of 2017

D.David Benjamin

.. Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collectorate,
Kanyakumari,
Kanyakumari District.
- 2.The Commissioner,
O/o. The Commissioner Office,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.
- 3.The Town Planning Officer,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.
- 4.Kepinjoy
- 5.Peter Paul
- 6.Kiltas

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus forbearing the respondents



W.P.(MD) No.22817 of 2017

from anyway dispossessing the petitioner illegally for the formation of road in the petitioner's land situated at Nagercoil Village, Agasteeswaram Taluk, Kanyakumari District in Survey No.E-11/9-2 without acquiring the same in the manner provided under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law time being in force within the period that may be stipulated by this Court.

For Petitioner	:	Mr.V.Karthik Raja for M/s.Ajmal Associates
For R1 & R2	:	Mr.B.Saravanan Additional Government Pleader
For R3	:	Mr.F.Deepak
For R4 to R6	:	No appearance

ORDER

Today, it is brought to the notice of this Court by the learned counsel appearing for the second respondent that as early as on 25.08.2021, the lands which are the subject matter of the present writ petition have been exchanged for an other property with one P.Premkumar, son of S.K.Ponniah and thereafter, the said Premkumar has gifted the very same lands to the second respondent. The petitioner therefore, has no right to the property in question.



WEB COPY



W.P.(MD) No.22817 of 2017

2. In the light of the above, nothing survives for consideration in the present Writ Petition and the same is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1. The District Collector,
O/o. The District Collectorate,
Kanyakumari,
Kanyakumari District.
2. The Commissioner,
O/o. The Commissioner Office,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.
3. The Town Planning Officer,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.



WEB COPY



W.P.(MD) No.22817 of 2017

P.T.ASHA, J.

abr

W.P.(MD) No.22817 of 2017

Dated: 29.08.2024