



W.P.(MD) Nos.3874 to 3877 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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and

W.M.P.(MD)Nos.2811, 2817, 2821 & 2812 of 2025

Radhakrishnan	... Petitioner in W.P.(MD)No.3874 / 2025
S.R.Arun	... Petitioner in W.P.(MD)No.3875 / 2025
Mohanamuthu Thinakaran	... Petitioner in W.P.(MD)No.3876 / 2025
Meenajothi	... Petitioner in W.P.(MD)No.3877 / 2025

-Vs-

1.The Divisional Engineer (Highways),
Construction and Maintenance,
Nagercoil, Kanyakumari District.

2.The Assistant Divisional Engineer (Highways),
Construction & Maintenance,
Nagercoil, Kanyakumari District.

3.The Assistant Engineer (Highways),
Construction & Maintenance,
Nagercoil, Kanyakumari District.

4.The Tahsildar / Monitoring Committee,
Agasteeswaram Taluk, Kanyakumari District.

... Respondents



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COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from demolishing or dispossessing or in any way interfering with the peaceful possession of the petitioners in respect of the land and building in S.No.757/2 measuring an extent of 0.04.70 hectares, 0.01.18 hectares, 0.01.18 hectares and 0.04.40 hectares respectively situated in Alagappapuram Village, Anjugramam Town Panchayat, Agasteeswaram Taluk, Kanyakumari District and consequently, to direct the 2nd respondent to conduct proper enquiry based on the explanation dated 30.01.2025.

For Petitioners : Mr.T.Lajapathi Roy,
Senior Counsel

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
(in all Writ Petitions)

COMMON ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioners that they are in possession and enjoyment of the land in S.No.757/2 measuring an extent of 0.04.70 hectares, 0.01.18 hectares, 0.01.18 hectares and 0.04.40 hectares respectively situated at



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Alagappapuram Village, Anjugramam Town Panchayat, Agasteeswaram Taluk,

Kanyakumari District. While being so, the 2nd respondent issued a show cause notice to the petitioners on 21.01.2025, seeking explanation as to why not the encroachment be removed, since the land in question is shown as road poramboke in the revenue records, for which, the petitioners sent a reply on 30.01.2025. However, till date the same has not been considered. Therefore, they filed these Writ Petitions to forbear the respondents from demolishing or dispossessing or in any way interfering with the peaceful possession of the petitioners in respect of the land in question and consequently, to direct the 2nd respondent to conduct proper enquiry based on the explanation dated 30.01.2025 given by the petitioners.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice on behalf of the respondents, submits that the reply given by the petitioners would be considered and appropriate orders would be passed within a period that may be stipulated by this Court.

4.In view of the said submission, without expressing any opinion on the merits of the claim made by the petitioners either in the representation or in the affidavit filed in support of this Writ Petition, we direct the respondents to



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consider the reply given by the petitioners dated 30.01.2025, after giving sufficient opportunity of hearing to all the parties concerned and pass appropriate orders on merits and in accordance with law within a period of eight [8] weeks from the date of receipt of a copy of this order.

5. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
17.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

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Nagercoil, Kanyakumari District.
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S.SRIMATHY, J.

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