

W.P.(MD).No.31302 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.01.2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.31302 of 2024**

N.Ramakrishnan

... Petitioner

Vs.

- 1.The District Collector,  
Kanyakumari District.
- 2.The Assistant Director of Town Panchayat,  
Collectorate Campus,  
Nagercoil,  
Kanyakumari District.
- 3.The Executive Engineer,  
W.R.O. PWD, Irrigation Section,  
Cherupalloor,  
Kanyakumari District.
- 4.The Assistant Executive Engineer,  
W.R.O. PWD, Irrigation Section,  
Cherupalloor,  
Kanyakumari District.
- 5.The Executive Officer,  
Thiruvattar Town Panchayat,  
Kolvel, Thiruvattar,  
Kanyakumari District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 5<sup>th</sup>



**W.P.(MD).No.31302 of 2024**

respondent to put up construction by encroaching the patta land owned by the petitioner comprising Rsy No. 913/9B and 913/9C of Thiruvattar Village, Thiruvattar Taluk (old Kalkulam Taluk), Kanyakumari District till the representation dated 10-12-2024 is considered.

For Petitioner : Mr.G.Cenil  
For R-1 to R-4 : Mr.S.Kameswaran,  
Government Advocate  
For R-5 : Mr.D.Gandhiraj,  
Special Government Pleader

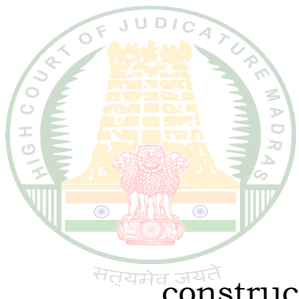
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**ORDER**

This writ petition is filed seeking to forbear the 5<sup>th</sup> respondent from putting up a construction by encroaching the patta land owned by the petitioner comprising in Rsy No. 913/9B and 913/9C of Thiruvattar Village, Thiruvattar Taluk (old Kalkulam Taluk), Kanyakumari District till the representation dated 10.12.2024 is considered.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The representation of the petitioner dated 10.12.2024 is with respect to the alleged encroachments made by the 5<sup>th</sup> respondent in putting up a



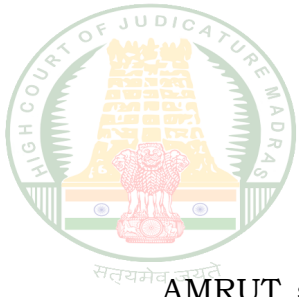
W.P.(MD).No.31302 of 2024

WEB COPY

construction in his patta land. He has also filed a civil suit for demarcation of the eastern and southern boundaries of the plaint schedule property and put up a fence in OS number 112 of 2024 on the file of the Principal District Munsif Court at Padmanabhapuram.

4.The learned Government Advocate, Mr.S.Kameswaran, on written instructions ensured that the construction is not at all put up in the petitioner's patta land comprised in Rsy Nos.913/9B and 913/9C of Thiruvattar Village. He further submitted that the construction is being carried out only in survey No.915/7 of Thiruvattar village, and the said property is mentioned as Aatru Porambokku in village records, and the construction of a well under the AMRUT scheme has been initiated in the said land. For which, the learned counsel appearing for the petitioner categorically submitted that at least 5 meters has been encroached in his pata land.

5.In view of the same, this Court hereby direct the 5<sup>th</sup> respondent to consider the petitioner's representation and require the Taluk surveyor to measure the property comprised in Rsy No. 913/9B and 913/9C of Thiruvattar village in the presence of the petitioner and ensure that the



W.P.(MD).No.31302 of 2024

WEB COPY

AMRUT scheme is not carried out in the petitioner's patta land. The said exercise is directed to be concluded within a period of one (1) week from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

**28.01.2025**

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

***Note: Issue order copy on 29.01.2025.***

To

1. The District Collector,  
Kanyakumari District.
2. The Assistant Director of Town Panchayat,  
Collectorate Campus,  
Nagercoil,  
Kanyakumari District.
3. The Executive Engineer,  
W.R.O. PWD, Irrigation Section,  
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4. The Assistant Executive Engineer,  
W.R.O. PWD, Irrigation Section,  
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**W.P.(MD).No.31302 of 2024**

WEB COPY

5. The Executive Officer,  
Thiruvattar Town Panchayat,  
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**W.P.(MD).No.31302 of 2024**

**L.VICTORIA GOWRI, J.**

Sml

**W.P.(MD).No.31302 of 2024**

**28.01.2025**