

(2017) 01 MAD CK 0071
In the Madras High Court
Case No : 1429 of 2017

Bala Shankar

APPELLANT

Vs

The District Collector, Kanyakumari District at Nagercoil, &
Ors.

RESPONDENT

Date of Decision : 30-01-2017

Acts Referred:

Constitution of India, Article 226 -
Power of High Courts to Issue certain writs

Citation : (2017) 01 MAD CK 0071

Hon'ble Judges : A.Selvam, P.Kalaiyaran

Bench : DIVISION BENCH

Advocate : A.Selvam, P.Kalaiyaran

Final Decision : Allowed

Judgement

1. This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 4 to remove encroachments

alleged to have been made in Survey No.721/1, Anjugramam Village, Agatheeswaram Taluk, Kanyakumari District, by way of issuing a writ of mandamus.

2. It is averred in the petition that in Anjugramam Village, Agatheeswaram Taluk, Kanyakumari District, Survey No.721/1 has been classified as

pathai poromboke, wherein the remaining respondents have made certain encroachments. Under the said circumstances, a representation has been

given on 14.11.2016. But the same has not been considered and therefore the present writ petition has been filed for getting the relief sought

therein.

3. Mr.M.Govindan, learned Special Government Pleader, has taken notice for the

respondents 1 to 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

4. It is seen from the records that in Anjugramam Village, Agatheeswaram Taluk, Kanyakumari District, Survey No.721/1 has been classified as

pathai poromboke. The main contention putforth on the side of the petitioner is that the respondents 5 to 9 have made certain encroachments in

Survey No.721/1 and for the purpose of removing the same, the present writ petition has been filed.

5. Since Survey No.721/1 has been classified as poromboke pathai, this Court is of the view to pass the following order.

6. In fine, this writ petition is allowed without costs and the respondents 1 to 4 are directed to remove encroachments which are in existence in

Survey No.721/1, Anjugramam Village, Agatheeswaram Taluk, Kanyakumari District under due process of law within a period of two months.