

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Thirty First day of March Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

WP(MD) No.7331 of 2023

and

WMP(MD) No.6894 of 2023

WEB COPY

SIVATHANU PILLAI R

... PETITIONER

Vs

1 THE ASSISTANT DIRECTOR (TOWN PANCHAYATS),
KANYAKUMARI DISTRICT COLLECTORATE COMPLEX,
NAGERCOIL, KANYAKUMARI DISTRICT

2 THE EXECUTIVE OFFICER
ERANIEL TOWN PANCHAYAT, ERANIEL,
NEYYUR POST-629 802,
KANYAKUMARI DISTRICT

3 THE ASSISTANT EXECUTIVE ENGINEER (TOWN PANCHAYAT DIVISION),
NAGERCOIL, KANNIYAKUMARI DISTRICT

4 THE ASSISTANT ENGINEER (TOWN PANCHAYAT DIVISION),
NAGERCOIL, KANYAKUMARI DISTRICT

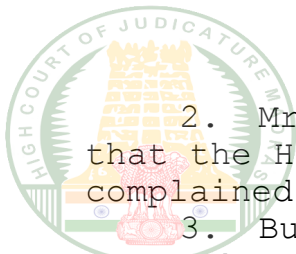
5 THE ASSISTANT DIVISIONAL ENGINEER (CONSTRUCTION AND MAINTENANCE),
HIGHWAYS DEPARTMENT,
NAGERCOIL,
KANYAKUMARI DISTRICT

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus forbearing the respondents from encroaching and laying road on any part of the petitioners 8 cents patta land property situated in Old Survey no. 4002.E, New Survey no. 421/20 in Eraniel Village, Kalkulam Taluk, Kanyakumair District.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SURESHKUMAR S, Advocate for the petitioner and of MR.J.ASHOK, Additional Government Pleader on behalf of the Respondent Nos.1, 3 to 5 and MR.C.SATHEESH, Government Advocate on behalf of the 2nd Respondent, the court made the following order:-

Mr.J.Ashok, learned Additional Government Pleader takes notice on behalf of the respondents 1, 3 to 5. Mr.C.Satheesh, learned Government Advocate takes notice on behalf of the second respondent.



2. Mr.J.Ashok, learned Additional Government Pleader stated that the Highways Department is not putting up any road in the place complained by the petitioner herein. That statement is recorded.

3. But however, it is also stated that it is the second respondent/Eraniel Town Panchayat, Eraniel, who are putting up a road. The road cannot and should not put up in a private property or in patta land without consent of the owner of the land.

4. Therefore, there shall be an order of interim injunction from putting up road in Old Survey No.4002.E, New Survey No.421/20 in Eraniel Village, Kalkulam Taluk, Kanyakumari District.

5. Let a counter be filed. This order shall be in force still 14.06.2023. List the matter again on 14.06.2023.

sd/-

31/03/2023

/ TRUE COPY /

/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE ASSISTANT DIRECTOR (TOWN PANCHAYATS),
KANYAKUMARI DISTRICT COLLECTORATE COMPLEX,
NAGERCOIL, KANYAKUMARI DISTRICT

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HIGHWAYS DEPARTMENT,
NAGERCOIL, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.SURESHKUMAR S Advocate SR.No.5286[I]

ORDER IN
WP(MD) No.7331 of 2023
and
WMP(MD) No.6894 of 2023
Date :31/03/2023