



W.P.(MD)No.16985 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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and W.M.P.(MD) Nos.14215, 14218, 16926 and 24031 of 2023

1.S.Ferdinand

2.P.Joseph

3.A.Hilary

4.X.Ignatious

5.M.Xavier

... Petitioners

Vs.

1.The Director of Town & Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.

2.The District Collector,
Kanniyakumari District,
Nagercoil.

3.The Deputy Director of Town and Country Planning,
Tirunelveli Region,

1/6



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No.108, Trivandrum Road,
Tirunelveli District – 627 002.

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- 4.The Assistant Director of Town and Country Planning /
Member Secretary,
Nagercoil Local Planning Authority (NLPA),
Collector Office Campus,
Nagercoil – 629 001,
Kanniyakumari District.
- 5.The Town Planning Officer,
Corporate Office,
Nagercoil – 629 001.
- 6.The District Revenue Officer,
Collectors Office Campus,
Kanniyakumari District,
Nagercoil.
- 7.The Revenue Divisional Officer,
Collector's Office Campus,
Nagercoil,
Kanniyakumari District.
- 8.The Block Development Officer,
Agastheeswaram Panchayat Union,
Perumalpuram,
Kottaram Post.
- 9.The Tahsildar,
Agastheeswaram Taluk,
Collectors Office Campus,
Nagercoil,
Kanniyakumari District.
- 10.The Junior Engineer,
P.W.D. (Irrigation),



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Mylady and Post,
Kanniyakumari District.

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11.The Ramapuram Village Panchayat,
Ramapuram,
Agastheeswaram Taluk,
Kanyakumari District,
Rep. by its President.

12.T.Jeyasingh

13.A.Esakku

14.M.Prakasam

15.E.Yacob Nadar

16.Y.Devaraj

17.A.Thaveedu Nadar

18.A.Chellappan

19.Minor.Aasitha Prema Kumari,
C/o.Dharmakkan
(Minor 19th Respondent, Rep., by Dharmakkan).

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to take immediate action against the respondents 12 to 19 for illegally and unauthorizedly converting the agricultural lands in Survey No.158/1, 158/2, 158/3, 158/4, 158/6, 158/7 and 164/2, Ramapuram Village, Agastheeswaram Taluk, Kanniyakumari District as layouts as well as to restore the water channels (both in-lets and out-lets) which passes through Survey Nos.134/1, 146 and 147, Ramapuram Village,



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Agastheeswaram Taluk, Kanniyakumari District to its original position by removing the illegal encroachments made in it and to restore the tank in Survey Nos.145/2, (Jeganathan Kundu), Ramapuram Village by removing the mud road unathorizedly laid by the respondents 12 to 19 by considering the petitioner's representations dated 26.06.2023.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R1 to R11

Mr.N.Rahamadullah for R12

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in the present Writ Petition is to direct respondents 1 to 5 to take immediate action against the the respondents 12 to 19 for illegally and unauthorizedly converting the agricultural lands in Survey No.158/1, 158/2, 158/3, 158/4, 158/6, 158/7 and 164/2, Ramapuram Village, Agastheeswaram Taluk, Kanniyakumari District as layouts as well as to restore the water channels (both in-lets and out-lets) which passes through Survey Nos.134/1, 146 and 147, Ramapuram Village, Agastheeswaram Taluk, Kanniyakumari District to its original position by removing the illegal encroachments made in it and to restore the tank in Survey Nos.145/2, (Jeganathan Kundu), Ramapuram Village by removing the mud road unathorizedly laid by the respondents 12 to 19.



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2. With reference to the relief sought for, the learned Special Government Pleader on instructions made a submission that no application was submitted seeking layout approval before the competent authority. In the absence of layout approval under the provisions of the Statue conversion of agricultural land as residential layout is impermissible. It is further contended that the water body has been encroached upon by the contesting respondent and they are attempting to lay a road by forming a private layout without approval.

3. The statement made in this regard is to be ascertained by the revenue authorities. Thus, the respondents 6, 7 and 9 are directed to conduct field inspection, survey the property and if any encroachment of waterbody or illegalities are identified, initiate all appropriate actions in accordance with law.

4. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
08.12.2023

NCC : Yes / No
Index : Yes / No
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