



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.(MD).No.16959 of 2015

V.Subramanian

: Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk Office,
Ramanathapuram District.

3.The Executive Engineer,
Technical Education Section,
Public Works Department,
Tirunelveli.

4.The Assistant Executive Engineer,
Technical Education Section,
Public Works Department,
Paramakudi, Ramanathapuram District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to remove the encroachment made in the channel in Survey No.235, Athiyur Village, Thiruvadanai Taluk, Ramanathapuram District by the third and fourth respondent by considering the representation dated 07.09.2015 and pass suitable orders.

For Petitioner : Mr.K.Kumaraval

For Respondents : Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made BY V.RAMASUBRAMANIAN, J.]

The petitioner has come up with the above Writ Petition praying for the issue of a Writ of Mandamus to direct the first and second respondents to remove the encroachments made in a Canal in Survey No.235, Athiyur Village, Thiruvadanai Taluk, Ramanathapuram District.

2. Heard Mr.K.Kumaravel, learned counsel for the petitioner and Mr.M.Govindan, learned Special Government Pleader for the respondents.

3. From the counter affidavit and the set of documents filed by the respondents, it is seen that the total extent of land in Survey No.235 is about 28.07 acres. In the Village 'A' Register, the nature of the property is indicated cumulatively for the entire extent as "crematorium,"



temple, feeding channel and cart track".

4. By G.O.(Ms).No.98, Higher Education Department, dated 17.06.2013, the Government approved the construction of the Arts College [Co-Education] in the land to the extent of only about 10 acres, out of the total extent of 28.07 acres in Survey No.235. The construction has already commenced.

5. According to the respondents, they have surveyed the land and put up construction only in the area other than the water body.

6. In the light of the said submission, the Writ Petition is disposed of permitting the respondents to go ahead with the construction of the college, without disturbing the water body. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Thiruvadanai Taluk Office,
Ramanathapuram District.
- 3.The Executive Engineer,
Technical Education Section,
Public Works Department, Tirunelveli.
- 4.The Assistant Executive Engineer,
Technical Education Section,
Public Works Department,
Paramakudi, Ramanathapuram District.

+1cc to Mr.K.Kumaraval, Advocate Sr.No.66625
+1cc to special Government Pleader SR.No.66791

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ORDER MADE IN
W.P. (MD) .No.16959 of 2015
20.11.2015