



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2016

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CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

W.P(MD) No.22008 of 2015

K.Yesudhas

... Petitioner

-vs-

1. The Director of Survey and
Land Records, Chennai.
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The District Revenue Officer,
Padmanabhapuram,
Kanyakumari District.
4. The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
5. The Executive Engineer,
Irrigation Department,
Kothayar Division,
O/o.Public Works Department,
Nagercoil, Kanyakumari District.

6.Dominic
(R6 impleaded vide order dated 20.01.2016)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to implement the order of the 2nd respondent in O. Mu./m4/34691/2015, dated 13.10.2015 to remove the encroachment made in Re.Survey No.512 situated at Thumbacode village, Kalkulam taluk, Kanyakumari District and fix the boundaries in S.No.511



situated at Thumbacode village, Kalkulam Taluk, Kanyakumari District and pass such other or further orders.

For Petitioner	: Mr.T.Selvakumaran
For RR - 1 to 5	: Mr.R.Velmurugan
	Government Advocate
For R - 6	: Mr.B.Brijesh Kishore

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O R D E R

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the fourth respondent viz., Tahsildar, Kalkulam Taluk to implement the order dated 13.10.2015 passed in O.Mu./m4/34691/2015 by the second respondent viz., District Collector, Kanyakumari District.

2.It is averred in the petition that with regard to encroachments made on the banks of Nandhi river in Thumbacode village, Kalukulam Taluk, Kanyakumari District, the second respondent has passed the impugned order dated 13.10.2015, whereby directed the fourth respondent to look into the alleged encroachments and remove the same. But the fourth respondent viz., Tahsildar, Kalkulam Taluk, has not taken any steps. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that the second respondent has given necessary direction to the fourth respondent to remove the encroachments by way of passing the impugned order dated 13.10.2015. But the fourth respondent has not taken any steps and in fact, the encroachments are in existence in Nandhi river and therefore, the present petition has been filed for getting the relief sought therein.

4.The learned counsel appearing for the sixth respondent has also equally contended that on both sides of Nandhi river, encroachments are available and therefore, necessary direction can be given to the fourth respondent to remove the encroachments.

5.Considering the divergent submissions made on either side, it is made clear that encroachments are available in Nandhi river. Since encroachments are available in Nandhi river and since the second respondent has already given necessary direction to the fourth respondent, the following direction can be given to the fourth respondent.

6.In fine, this writ petition is allowed without costs. The fourth respondent is strictly directed to find out the encroachments alleged to have been made on both sides of Nandhi



river pursuant to the order dated 13.10.2015 passed by the second respondent, and remove all encroachments within a period of three months.

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Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Survey and
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Kanyakumari District.
5. The Executive Engineer,
Irrigation Department,
Kothayar Division,
O/o.Public Works Department,
Nagercoil, Kanyakumari District.

- + 1 CC TO Mr.T.SELVAKUMARAN, ADVOCATE IN SR No. 80170
- + 1 CC TO Mr.B.BRIJESH KISHORE, ADVOCATE IN SR No. 79736
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79880

MJ

TE/CK/SAR-III : 21/12/2016 : 3P/9C

W.P (MD) No.22008 of 2015
05.12.2016