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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P (MD) No.10824 of 2016

and

W.M.P. (MD) .No.8396 of 2016

Adhi Dravidar Samathuava Nokka Sangam,
Represented by its President,
P.M.Chelladurai,
S/o.P.Muthu, St.Antoniya Nagar,
Vadakankulam Post,
Tirunelveli District.

..Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The District Collector,
Kanyakumari District,
at Nagercoil.

3.The Executive Engineer,
Public Works Department [Ne.Aa.A],
Kothaiyaru Irrigational Land Division,
Nagercoil.

4.The Assistant Executive Engineer,
Public Works Department, [Ne.Aa.A],
Palaiyaru Irrigational land Sub-Division,
Nagercoil.

5.George.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 3 and 4 to demolish the construction, which is already made by the fifth respondent inside the water channel near Vadakankulam Village, Tirunelveli District and restore the same to its original structure.

For petitioner

: Mr.J.Senthil Kumaraiah

For Respondents 1 to4

: Mr.M.Govindan

Special Government Pleader



O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition for issuance of a Writ of Mandamus directing the respondents 3 and 4 to demolish the construction made by the fifth respondent inside the water channel near Vadakankulam Village, Tirunelveli District and restore the same to its original position.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4.

3. The typed set of papers filed by the petitioner contained a document sent by the Executive Engineer, on 29.04.2016, which indicates that the Assistant Executive Engineer, vide order dated 08.09.2015, granted permission to the fifth respondent for constructing a bridge to reach his patta land. Since the Assistant Executive Engineer granted permission to the fifth respondent, there is no question of issuing a Writ of Mandamus, as prayed for by the petitioner.

4. When the attention was cited to the order passed by the Assistant Executive Engineer, dated 08.09.2015, the learned counsel for the petitioner stated that liberty should be given to the petitioner to challenge the said order, after furnishing a copy of the same.

5. We direct the Assistant Executive Engineer, Public Works Department, [Ne.Aa.A], Palaiyaru Irrigational land Sub-Division, Nagercoil, to provide a copy of the order in Letter No.Va4/Pa I-6/1068M/ dated 08.09.2015, to the petitioner within a period of one week from the date of receipt of a copy of this order. We grant liberty to the petitioner to challenge the said order, in the manner known to law.

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS)

To:

1.The District Collector,
Tirunelveli, Tirunelveli District.

<https://hcservices.nic.in/hcservices/>
2.The District Collector,
Kanyakumari District,
at Nagercoil.



3.The Executive Engineer,
Public Works Department [Ne.Aa.A],
Kothaiyaru Irrigational Land Division,
Nagercoil.

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4.The Assistant Executive Engineer,
Public Works Department, [Ne.Aa.A],
Palaiyaru Irrigational land Sub-Division,
Nagercoil.

+1cc to Mr.J.Senthilkumaraiah, Advocate in SR.31723

+1cc to the Special Government Pleader in SR.32057

W.P (MD) No.10824 of 2016
21.06.2016

nb

PBK/AAL-MPA/SAR-II 24.06.2016 ::3P-7C:(IT)