



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.16942 of 2016

L.Selvaraj

... Petitioner

-vs-

- 1.The District Collector
Kanyakumari District
at Nagercoil
- 2.The Assistant Engineer
Public Works Department
Kuzhithurai
Kanyakumari District-629 163
- 3.The Block Development Officer
Munchirai Panchayat Union
Munchirai, Kanyakumari District
- 4.The Panchayat President
Adaikkakuzhi Panchayat
Adaikkakuzhi Post
Kanyakumari District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation, dated 04.07.2016 and to protect the Kanjiram Kulam situated in Adaikkakuzhi Village (Old Methukummil Village), Adaikkakuzhi Panchayat, Vilavancode Taluk, Kanyakumari District, within the time stipulated.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents and with the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

2. The petitioner claims to be a resident of Kankuzhi Veedu, Adaikkakuzhi Post, Kanyakumari District and according to him a tank by name "Kanjiram Kulam" is situated in R.S.No.32/9, admeasuring to an extent of 0.16.5 Hectares in Adaikkakuzhi Village (Old Methukummal Village) and the fourth respondent, taking advantage of his position as Panchayat President, has started to form a Nursery Garden by encroaching the Tank Poromboke Land and in that event the neighbouring fields cannot get water for irrigation and in this regard the petitioner submitted a representation, dated 04.07.2016, to the first respondent and despite receipt of the same, the first respondent has not taken any action. Hence, this writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

4. Though the petitioner sought for a larger relief in his affidavit, in the light of the above facts and circumstances and without going into the grievance projected by the petitioner, this Court directs the petitioner to submit one more representation to the second respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider the same in accordance with law after putting the respondents 1, 3 and 4 on notice, within a period of eight weeks thereafter and communicate the decision taken to the petitioner as well as the respondents 1, 3 and 4. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

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



2.The Assistant Engineer,
Public Works Department,
Kuzhithurai,
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3.The Block Development Officer,
Munchirai Panchayat Union,
Munchirai, Kanyakumari District.

4.The Panchayat President,
Adaikkakuzhi Panchayat,
Adaikkakuzhi Post,
Kanyakumari District.

+One cc to Mr.R.Sreenivasan, Advocate, SR.No.51041

+One cc to The Special Government Pleader, SR.No.51527

krk

RL/7C/3P/DB/19/9/2016

W.P.(MD) No.16942 of 2016

08.09.2016