



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2016

CORAM:

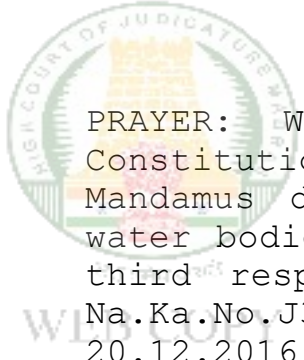
THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24221 of 2016

A.Vins Anto,
Chairman,
Project Committee,
Kodayar Basin Irrigation System,
Water Resources Organization,
Public Works Department,
Nagercoil. .. Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Project Director,
National Highway Authority of India,
Opp. Scot Christian College,
K.P.Road, Nagercoil.
- 3.The Special District Revenue officer,
(Land Acquisition - National Highways),
Tirunelveli, Office at Nagercoil.
- 4.The Special Tahsildar,
(Land Acquisition - National Highways),
Thiruthuvapuram, Vilavancodu,
Kanyakumari District.
- 5.The Thasildar, Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
- 6.The Executive Engineer,
Water Resources Organization,
Kodayar Basin Irrigation System,
Public Works Department,
Nagercoil. .. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 5th and 6th respondents to safeguard the water bodies and water canals acquired by the notification of the third respondent vide Na.Ka.No.J3/78/2016 dated 15.11.2016 and Na.Ka.No.J3/76/2016 dated 15.11.2016 in the enquiry scheduled on 20.12.2016 and 28.12.2016 in the office of the 4th respondent based on the representation of the petitioner dated 29.11.2016.

For Petitioner	: Mr.C.T.Perumal
For Respondents 1,5 and 6	: Mr.R.Velmurugan, Government Advocate.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 5 and 6 to safeguard water bodies and water canals acquired by notifications of the third respondent in Na.Ka.No.J3/78/2016 and Na.Ka.No.J3/76/2016 dated 15.11.2016, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is the Chairman of Project Committee, Kodayar Basin Irrigation System. The fifth and sixth respondents have acquired canals which lead to various water bodies in Kanyakumari District for the purpose of extending National Highways. Under the said circumstances a representation has been given on 29.11.2016. But no action has been taken and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents 1, 5 and 6. Considering the nature of the relief sought in the writ petition, notice need not be sent to the remaining respondents.

4.The learned counsel appearing for the petitioner has contended that on 29.11.2016, the petitioner has given a representation to the respondents 5 and 6, but they have not at all considered the same and therefore the present writ petition has been for getting the relief sought therein.

5.Considering the nature of the relief sought in the writ petition and also considering the fact that on 29.11.2016, the petitioner has given a representation, the Court can very well direct the respondents 5 and 6 to consider the representation <https://hcservices.mca.gov.in/hcservices/> been given by the petitioner and pass suitable order. With the above observation, this writ petition is liable to be allowed.



6. In fine, this writ petition is allowed without costs and the respondents 5 and 6 are strictly directed to look into the representation dated 29.11.2016 alleged to have been given by the petitioner and pass suitable order within a period of one month .

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

smn

To

1. The District Collector, Kanyakumari District,
Nagercoil.

2. The Special District Revenue officer,
(Land Acquisition - National Highways),
Tirunelveli, Office at Nagercoil.

3. The Special Tahsildar,
(Land Acquisition - National Highways),
Thiruthuvapuram, Vilavancodu,
Kanyakumari District.

4. The Thasildar, Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.

5. The Executive Engineer,
Water Resources Organization,
Kodayar Basin Irrigation System,
Public Works Department,
Nagercoil.

+1CC to Mr.C.T.Perumal, Advocate Sr.No.81521

+1CF to Spl.Government Pleader Sr.No.81892

Gjm/KM/10.1.17-3p-8C

ORDER MADE IN
W.P(MD) No.24221 of 2016
19.12.2016