



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

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

W.P (MD) No.24685 of 2016

S.Kamaraj

.. Petitioner

Vs.

1.The Principal Secretary,
Public Works Department,
St. George Fort,
Chennai - 600 009.

2.The District Collector,
Tirunelveli District, Tirunelveli.

3.The Executive Engineer,
Public Works Department,
Tirunelveli District, Tirunelveli.

4.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District - 627 806.

.. 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 respondents to remove the encroachments made in Pudukulam tank in Survey No.349 of Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District and restore the Pudukulam tank for the use of the farmers for their agricultural activities in the Kulasekarapatti Village based on the petitioner's representation dated 14.08.2014, 28.12.2015 and 11.05.2016.

For Petitioner
For Respondents

: Mr.G.Sundaram
: Mr.R.Velmurugan,
Government Advocate.

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove encroachments alleged to have been made in Survey No.349,



Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District, which has been classified as a tank, by way of issuing a writ of mandamus.

2. It is averred in the petition that the petitioner is a resident of Kurumbalaperi, Kulasekarapatti Post, wherein Survey No.349 has been classified as a tank. But in Survey No.349, so many encroachments have been made and due to that various representations have been given by the petitioner. But so far the authorities have not taken any action. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

4. Mr. R. Velmurugan, learned Government Advocate, has taken notice for the respondents.

5. On the basis of the contention put forth on the side of the petitioner, this Court has perused the relevant revenue record and ultimately found that the survey number mentioned in the petition has been classified as a tank. Since the survey number mentioned in the petition has been classified as a tank and since the specific case of the petitioner is that there are certain encroachments in it, the following direction can be given to the respondents 2 to 4.

6. In fine, this writ petition is allowed without costs and the respondents 2 to 4 are strictly directed to remove encroachments if any in Survey No.349, Kulasekarapatti Village, Tenkasi Taluk, Tirunelveli District under due process of law within a period of two months.

Sd/-
Assistant Registrar (CS I)

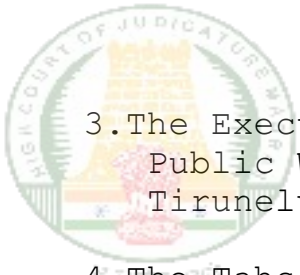
/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Public Works Department,
St. George Fort,
Chennai - 600 009.

2. The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli District, Tirunelveli.



3.The Executive Engineer,
Public Works Department,
Tirunelveli District, Tirunelveli.

4.The Tahsildar,
Tenkasi Taluk,
Tirunelveli District - 627 806.

+1cc to special Government Pleader SR.No.83175
+1cc to Mr.G.Sundaram, Advocate Sr.No.83254

smn

sm:GSV-SV:11.01.2017:3P/7C

ORDER MADE IN
W.P (MD) No.24685 of 2016
22.12.2016