



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.11110 of 2017

K.Dhanulingam

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District
at Nagercoil.

2.The Assistant Executive Engineer,
Public Works Department Office,
Nagercoil.

3.The Assistant Engineer,
Water Resources Organization,
Public Works Department, (Irrigation Section),
Thuckalay, Kanyakumari District.

4.Malliga

.. 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 1 to 3 herein to evict the fourth respondent in Survey No.414 in Thuckalay Village, Kalkulam Taluk, Kanyakumari District which is classified as Government Poramboke Channel by considering the petitioner's representation dated 10.04.2017.

For Petitioner

: Mr.K.Chengiz Khan

For Respondents 1 to 3

: Mr.K.Guru,
Additional Government Pleader.

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 to remove encroachments which are in existence in Survey No.414, Thuckalay Village, Kalkulam Taluk, Kanyakumari District, by way of issuing a writ of mandamus.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1 to 3. Considering the classification of Survey No.414 and also considering the main contention putforth on the side of the petitioner, notice need not be sent to the fourth respondent.

3.It is seen from the records that Survey No.414 has been classified as a channel.

4.The main contention putforth on the side of the petitioner is that the fourth respondent has made certain encroachments in Survey No.414. Under the said circumstances, this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the respondents 2 and 3 are directed to conduct proper survey in respect of Survey No.414 and if there is any encroachment made by the fourth respondent directed to remove the same under due process of law after giving sufficient opportunity to the fourth respondent within a period of two months.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Assistant Executive Engineer,
Public Works Department Office,
Nagercoil.

3.The Assistant Engineer,
Water Resources Organization,
Public Works Department, (Irrigation Section),
Thuckalay, Kanyakumari District.

+One cc to Mr.K.Chengizkhan, Advocate, SR.No.60378
+One cc to The Special Government Pleader, SR.No.60568

smn
RL/6C/2P/JC/SAR3/21/6/2017

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ORDER MADE IN
W.P (MD) No.11110 of 2017
15.06.2017