

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15615 of 2017

Nirmala

... Petitioner

Vs.

1. The Superintending Engineer,
Water Resource Department,
Nagercoil,
Kanyakumari District.
2. The Thasildar,
Kalkulam Taluk,
Kanyakumari District.
3. The Assistant Executive Engineer,
Water Resource Department,
Thuckalay,
Kanyakumari District.

4. Soman

... Respondents

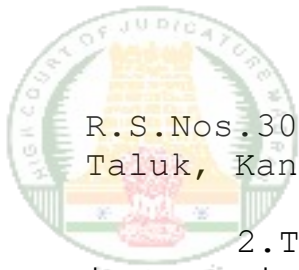
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in the water channel which passing through the property in R.S.No.302, 308 and 309, situated at Velimalai Village, Kalkulam Taluk, Kanyakumari District.

For petitioner	: Mr.T.Selvakumaran
For R1 to R3	: Mr.T.S.Mohameed Mohideen Additional Government Pleader.
For R4	: Mr.T.Antony Arulraj

O R D E R

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

The petitioner filed this writ petition to direct the respondents 1 to 3 to remove the encroachment said to have been caused by the 4th respondent in respect of the land in



R.S.Nos.302, 308 and 309, situated at Velimalai Village, Kalkulam Taluk, Kanyakumari District.

2.The learned counsel for the 4th respondent, on instructions, submitted that the 4th respondent is not an encroacher and as such there is no cause of action for filing the writ petition.

3.We, direct the third respondent to survey the land in question and remove the encroachment if any, after issuing notice to the alleged encroachers. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintending Engineer,
Water Resource Department,
Nagercoil,
Kanyakumari District.
2. The Thasildar,
Kalkulam Taluk,
Kanyakumari District.
3. The Assistant Executive Engineer,
Water Resource Department,
Thuckalay,
Kanyakumari District.

+2cc to M/S. T.ANTONY ARUL RAJ, Advocate, SR.No.77182 & 76940.

+1cc to M/S. T.SELVAKUMARAN, Advocate, SR.No.76788.

+1cc to Special Government Pleader, SR.No.76975.

ORDER MADE IN
W.P (MD) No.15615 of 2017
05.09.2017