



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2017

CORAM:

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

W.P (MD) No.1957 of 2017

M.Muthazhahan

.. Petitioner

Vs.

1.The District Collector,
Collectorate,
Kanyakumari District,

2.The Assistant Executive Engineer,
O/o.the Assistant Executive Enginner,
Water Resources Organization,
Irrigation Division(PWD),
Nagercoil, Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

4.Mr.S.Kamaraj

.. 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 second respondent to remove the encroachments made by fourth respondent in Survey No.524 in Paraikangal Channel, Madusoothanapuram North Village, Agastheeswaram Taluk, Nagercoil, Kanyakumari District within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents 1 to 3

: Mr.M.Govindan,

Special 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 second respondent to remove the encroachments which are in existence in Survey No.524 Madusoothanapuram North Village, Agastheeswaram Taluk, Nagercoil, Kanyakumari District, by way of issuing a writ of mandamus.



2.It is averred in the petition that the petitioner is a resident of Kottar. In Madusoothanapuram North Village, Survey No.524 has been classified as a channel, wherein certain encroachments are in existence. Under the said circumstances, for removing the same, the present writ petition has been filed.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3.

4.It is seen from the records that the concerned authorities have taken proper steps so as to remove encroachments. Further on the side of the respondents 1 to 3, it has been clearly admitted to the effect that certain encroachments are in existence in Survey No.524. 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 second respondent is directed to remove all encroachments which are in existence in Survey No.524, Madusoothanapuram North Village, under due process of law within a period of two months.

Sd/

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Collectorate,
Kanyakumari District,

2.The Assistant Executive Engineer,
O/o.the Assistant Executive Engineer,
Water Resources Organization
Irrigation Division(PWD)
Nagercoil, Kanyakumari District.

3.The Tahsildar,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 6526

+1CC to the Special Government Pleader, SR.No. 6601

ORDER MADE IN
W.P(MD) No.1957 of 2017
06.02.2017