



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.2833 of 2017

G.Albert

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Engineer (WRO),
Public Works Department (PWD),
Kothaiyaru Basin,
Nagercoil,
Kanyakumari District.

3.The Assistant Engineer (WRO),
Public Works Department (PWD),
Basin Division,
Vadakankulam
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

5.The Tahsildar,
Thovalai Taluk,
Boothapandi - 629 852,
Kanyakumari District.

6.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Formerly Known as TNEB,
Non Conventional Energy,
Tirunelveli - 627 011,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the encroachments in Periya Pudukulam Tank comprised in Survey Nos.2363, 2363/2A, 2363/2C and also Periya Pudukulam Tank comprised in Survey Nos.2445,2447,2448 and 2489 and main stream Survey Nos.2185/1, 2189, 2221 situated at Perungudi Village Part-II, Radhapuram Taluk, Tirunelveli District



and consequently, directing the sixth respondent to remove the poles erected in the middle of the Periya Pudukulam Tank and Punjaikuttikulam Tank by taking necessary action based on the petitioner's representation dated 29.11.2016.

WEB COPY

For Petitioner : Mr.B.Jameel Arasu,
For Mr.G.Mathavan
For Respondents 1to5 : Mr.M.Govindan,
Special Government Pleader
For Respondent No.6 : Mr.G.Kasinathadurai

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 to remove the encroachment in Periya Pudukulam Tank comprised in Survey Nos.2363, 2363/2A, 2363/2C and also the Punjaikuttikulam Tank comprised in Survey Nos.2445,2447,2448 and 2489 and main stream Survey Nos.2185/1, 2189, 2221 situated at Perungudi Village Part-II, Radhapuram Taluk, Tirunelveli District.

2. The Assistant Engineer (WRO), Public Works Department earlier made a submission before this Court that on account of the indifferent attitude of the fourth respondent, the survey could not be made. We, therefore, directed the Tahsildar, Radhapuram Taluk, to appear before this Court.

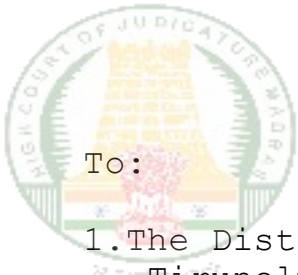
3. The Tahsildar, Radhapuram Taluk, is present in Court today. The Tahsildar filed a counter-affidavit indicating that he is in the process of surveying the land and it would be completed, within a period of 10 days.

4. We direct the fourth respondent to complete the process of surveying the land, within a period of two weeks from today and submit a report to the third respondent. The third respondent, on receipt of the survey report, shall take follow-up action for removal of encroachment, after issuing notice to the encroachers and giving them reasonable opportunity to submit their response. In any case, it should be the endeavour of the third respondent to dispose of the matter, within a period of three months from the date of receipt of report from the fourth respondent.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/



To:

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Executive Engineer (WRO),
Public Works Department (PWD),
Kothaiyaru Basin, Nagercoil,
Kanyakumari District.

3.The Assistant Engineer (WRO),
Public Works Department (PWD),
Basin Division, Vadakankulam
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk, Radhapuram,
Tirunelveli District.

5.The Tahsildar,
Thovalai Taluk,
Boothapandi - 629 852,
Kanyakumari District.

+1cc to M/S.G.Mathavan, Advocate SR.No. 73981
+1cc to M/S.G.Kasinathadurai, Advocate SR.No. 74530
+1cc to Special Government Pleader, SR.No. 74512

Order made in
W.P. (MD) No.2833 of 2017
Dated:
23.08.2017

sml/km
JM/SV/SAR 3/31.08.2017/3P/9C