



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2017

CORAM:

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

W.P (MD) No.363 of 2017

P.J.S.B.Jose

.. Petitioner

Vs.

1.The District Collector,
At Nagercoil, Kanyakumari District.

2.The Superintendent of Police,
At Nagercoil, Kanyakumari District.

3.The Assistant Executive Engineer,
PWD Department, Water Resource,
Pattinankal Division,
Kuzhithurai, Kanyakumari District.

.. 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 encroachment made on the banks of Pattinam Kalvai in Survey No.803/19, Thodukulam, Unnamalaikadai Village, Vilavancode Taluk, Kanyakumari District at 31/000 within the time frame that may be fixed by this Court by considering the representation of the petitioner dated 13.12.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondents 1 to 3 : Mr.D.Muruganandam,
Additional Government Pleader.

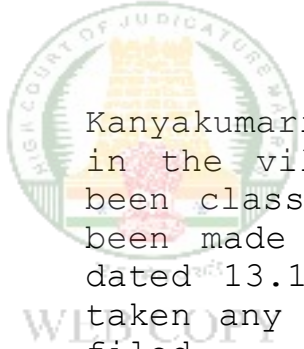
ORDER

[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 alleged to have been made in Survey No.803/19, Thodukulam, Unnamalaikadai Village, Vilavancode Taluk, Kanyakumari District, on the basis of representation dated 13.12.2016, by way of issuing a writ of mandamus.

<https://hcservices.ecourts.gov.in/hcservices/>

2.It is averred in the petition that the petitioner is a resident of Poovankinan Vilai Village, Kanchiracode Post,



Kanyakumari District. Further it is averred in the petition that in the village mentioned in the petition, Survey No.803/19 has been classified as a channel, wherein certain encroachments have been made and for the purpose of removing it, a representation dated 13.12.2016 has been given. But the authorities have not taken any steps and therefore the present writ petition has been filed.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents.

4.It is seen from the records that the Public Works Department has given a direction to remove encroachments, wherein no survey number has been mentioned.

5.The specific contention putforth on the side of the petitioner is that Survey No.803/19 has been classified as a channel. But to prove the same, no document has been filed. Under the said circumstances and also on the basis of representation dated 13.12.2016, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed in part without costs and the respondents are directed to look into the representation dated 13.12.2016 alleged to have been given by the petitioner and dispose of the same within a period of one month.

Sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Superintendent of Police,
Kanyakumari District at Nagercoil.

3.The Assistant Executive Engineer,
PWD Department, Water Resource,
Pattinankal Division,
Kuzhithurai, Kanyakumari District.

+1CC to M/S.S.C.Herold Singh, Advocate, SR.No. 1392

+1CC to the Special Government Pleader, SR.No. 1988

ORDER MADE IN
W.P(MD)No.363 of 2017
09.01.2017