



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.6444 of 2017

K.Jegan

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Kanyakumari.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
3. Thasildar,
Vizhavankode Taluk,
Kuzhithurai, Kanyakumari District.
4. The Executive Engineer,
O/o.The Executive Engineer,
The Public Works Department,
Water Resource Organisation,
Nagercoil, Kanyakumari District.
5. The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
The Public Works Department,
Water Resource Organisation,
Kuzhithurai, Kanyakumari District.
6. Shalom Orthopedic Hospital,
Rep. By its Proprietors,
Berin Jeba.

.. 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 respondent Nos.1 to 5 to remove the encroachments made by the respondent No.6 in Chittrar Pattanamkalvai water channel, Natalam Village, Vizhavankode Taluk, Kanyakumari District in Survey Nos.763/1, 763/12, 763/17, 763/19 and 763/20 and restore the Chittrar Pattanamkalvai channel to its original position.

For Petitioner

: Mr.T.Lajapathi Roy

<https://hcservices.ecourts.gov.in/hcservices/> to 5

: 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 respondents 1 to 5 to remove the alleged encroachments made in Survey Nos.763/1, 763/12, 763/17, 763/19 and 763/20, which has been classified as a channel, by way of issuing a Writ of Mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 5. Considering the nature of the classification made in respect of survey numbers mentioned in the petition and also considering the main allegation putforth on the side of the petitioner, notice need not be sent to the sixth respondent.

3.It is seen from the revenue records that in some portion of survey numbers mentioned in the petition, a channel is running. Under the said circumstances, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed without costs and the respondents 3 and 4 are strictly directed to conduct proper survey in respect of Survey Nos.763/1, 763/12, 763/17, 763/19 and 763/20, Chittrar Pattanamkalvai water channel, Natalam Village, Vizhavankode Taluk, Kanyakumari District, with the assistance of revenue records and that too in the presence of the sixth respondent and if there is any encroachment in the existing channel, the respondents 3 and 4 are directed to remove the same under due process of law within a period of two months.

Sd/-

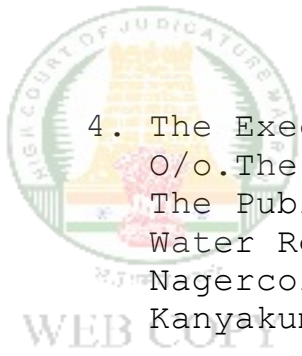
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District, Kanyakumari.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.
3. The Thasildar,
Vizhavankode Taluk,
Kanyakumari District.



4. The Executive Engineer,
O/o.The Executive Engineer,
The Public Works Department,
Water Resource Organisation,
Nagercoil,
Kanyakumari District.

5. The Assistant Executive Engineer,
O/o.The Assistant Executive Engineer,
The Public Works Department,
Water Resource Organisation,
Kuzhithurai,
Kanyakumari District.

+1 cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 51599

ORDER MADE IN
W.P (MD) No. 6444 of 2017
11.04.2017

ps
MKV-KP-SAR 3/18.4.2017/3P-7C