



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.08.2017

CORAM:

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

W.P.(MD)No. 6944 of 2017

J.Prince

.. Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Superintending Engineer,
Public Works Department,
Nagercoil,
Kanyakumari District.

3.Titus

.. Respondents

(R 3 is impleaded vide Court
Order dated 17.07.2017 in
WMP(MD) NO.10210/2017)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the encroachments made in the Nilaviyal Channel at Survey No.372/13 in Attoor Village, Kanyakumari District which runs through Chenavilai, Pandaravilai and Avathivilai and to restore the same by de-silting by considering the representation of the petitioner dated 09.01.2016.

For petitioner

: Mr.S.C.Herold Singh

For R-1 & R-2

: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

For R-3

: No Appearance

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner seeks a direction for removal of the encroachments made in the Nilaviyal Channel at Survey No. 372/13 in Attoor Village, Kanyakumari District.

2. The case of the petitioner is that he gave a representation dated 09.01.2016, to the respondents alleging that the third respondent herein has committed encroachment. Since no



action was taken, the present writ petition has been filed with the aforesaid prayer.

3. Considering the submissions made by the learned counsel for the petitioner, this Court directs the second respondent to enquire into the representation dated 09.01.2016 submitted by the writ petitioner. If enquiry reveals that there is an encroachment committed on the channel in question, the second respondent is directed to take action for removal of the encroachments. It is needless to add that the second respondent shall issue notice to the affected parties and only after due compliance of the principles of natural justice, cause removal of the encroachments in question. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Superintending Engineer,
Public Works Department,
Nagercoil,
Kanyakumari District.

+1cc to M/S.S.C.HEROLD SINGH, Advocate SR.No.70941

+1cc to Special Government Pleader, SR.No.71646

rmk/das

MAS/SKN-RSK/SAR2:29.08.2017:2P-5C

ORDER MADE IN
W.P. (MD) No. 6944 of 2017
07.08.2017