

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.07.2017****CORAM:**

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

W.P.(MD)No.8751 of 2017

R.Mani

.. Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.

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

3. The Executive Engineer(PWD),
Thuckalay,
Kanyakumari District.

4. The Tahsildar,
Thuckalay,
Kanyakumari District.

5. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

6. Thakkali @ Thanaselvan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to take action upon the sixth respondent based on the representation given by the petitioner dated 19.01.2017 and 16.01.2017 with regard to Nerniyakulam Pond/Oorani at Thuckalay Village, Keelakalkurichi, Kottukulamkarai, Kanyakumari District.

For Petitioner

: Mr.F.Deepak

For Respondents

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R.1 to R.5
: Mr.S.J.Chakravarthy
for R.6

**O R D E R**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

WEB COPY The petitioner filed this Writ Petition to take action against the sixth respondent on allegation that he is in unauthorised occupation of the Nerniyakulam Pond/Oorani at Thuckalay Village.

2. The learned Counsel for the sixth respondent, by producing a copy of the proceedings, dated 31.07.2014, submitted that the fishing right was given to the Kanyakumari District Fishermen Society. According to the learned Counsel, the sixth respondent is only an employee of the Society.

3. Since permission was granted to the Society to exercise the fishing right, there is no question of taking action for removal of encroachment. It is always open to the petitioner to challenge the order dated 31.07.2014, if he is aggrieved.

4. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
3. The Executive Engineer(PWD),
Thuckalay,
Kanyakumari District.
4. The Tahsildar,
Thuckalay,
Kanyakumari District.



5. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

+1cc to Mr.F.Deepak. Advocate SR.NO.65355

+1cc to Mr.S.J.Chakravarthy, Advocate SR.NO.65092

+1cc to The Spl.Government Pleader SR.NO.65679

SSL/DSK

VB/KP/SAR1/25.07.2017/3P/9C

W.P. (MD) No.8751 of 2017
13.07.2017