



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **01.03.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.879 of 2017

V.Alexander

.. Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckaly, Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
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 tank bund of Nettikulam @ Nedyakulam Tank comprised in Survey No.158/11 of Kunathoor Village and maintain the said area free from encroachment and from installation of political flag mast and putting any superstructure in any other forms both temporarily and permanently by considering the representation of the petitioner dated 26.12.2016.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : 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 which are in existence in Survey No.158/11, Kunathoor Village, by way of issuing a writ of mandamus.



2.The learned counsel appearing for the petitioner has contended that in Survey No.158/11, Kunathoor Village, Nettukulam @ Nedyakulam Tank is situate and the same is nothing, but an irrigation tank, wherein certain encroachments are in existence and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.On the side of the petitioner, a revenue records has been filed, wherein it has been clearly stated that Survey No.158/11 is nothing, but a tank. Since Survey No.158/11 has been classified as a tank and since the contention putforth on the side of the petitioner is that there are certain encroachments, this Court is inclined to pass the following order.

4.In fine, this writ petition is allowed without costs and the third respondent is directed to conduct proper survey in respect of Survey No.158/11, Kunathoor Village [Nettukulam @ Nedyakulam Tank] and if any encroachments are found place, directed to remove the same under due process of law within a period of two months.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Kanyakumari District,
at Nagercoil.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckaly, Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.

+1 CC TO Mr. S.C.HEROLD SINGH, ADVOCATE, SR NO.11715

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.11917

smn

MAS/CM-MSA/SAR3:08.03.2017:P/C