



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.4153 of 2018

V.Murugesu Pillai
President
P.P.Channel Distributary Committee
Water Resources Organisation,
Public Works Department,
Eraniel, Kanyakumari District.

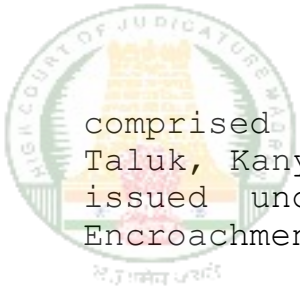
... Petitioner

-vs-

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Kodayar Basin Irrigation System,
Water Resources Organisation,
Public Works Department,
Nagercoil.
- 3.The Assitant Engineer,
Water Resources Organisation,
Public Works Department,
Irrigation Section, Boothapandi,
Kanyakumari District.
- 4.The Tahsildar,
Thoovalai Taluk,
Boothapandi, Kanyakumari District.
- 5.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 6.Chellathai @ Chinnathangam
- 7.Ammami
- 8.Paul Raj
- 9.Anthony

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachments in the water course Therkumalai Kalvai



comprised in R.S.No.212 of Aralvoimozhi South Village, Thovalai Taluk, Kanyakumari District pursuant to Form-1, Form-II and Form-III issued under Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

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For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.S.Dhayalan, G.A. For RR1 to 5
RR6 to 9 - notice is dispensed with

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

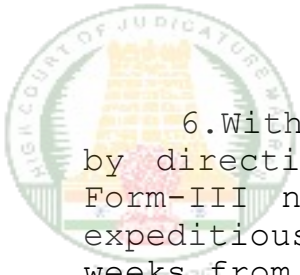
Heard Mr.C.T.Perumal, learned counsel for the petitioner and Mr.S.Dhayalan, learned Government Advocate accepting notice on behalf of the the respondents 1 to 5. In the light of the direction we propose to issue in this writ petition, notice to the respondents 6 to 9 is dispensed with.

2.The petitioner is stated to be the President of P.P.Channel Distributary Committee, Water Resources Organisation, Public Works Department, Eraniel, Kanyakumari District. The petitioner had brought to the notice of the respondents 2 and 3 that the respondents 6 to 9 have encroached into a water channel and put up asbestos/tilled house. The representation was enquired into and on being satisfied that there is an encroachment into a water channel, the respondents 2 and 3 have initiated action against the encroachers.

3.The learned Additional Government Pleader has produced before this Court a book in which the respondents 6 to 9 have acknowledged the receipt of the proceedings dated 19.10.2017, which is Form-III notice issued under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

4.The learned Additional Government Pleader further submits that the respondents 6 to 9 though have received the first notice in form-I dated 14.07.2017, have not submitted any reply and after waiting for a reasonable period only in October 2017, Form-III notice has been issued. However, due to certain administrative delay, further action could not be taken, but, necessary action will be taken in pursuant to Form-III notice.

5.Since we are disposing of the writ petition without notice to the respondents 6 to 9 in the event, they raise any objection to Form-III notice, the same should be considered and then further action to be taken. The records produced before this Court prima facie show that there is encroachment into a water channel. Therefore, the officials should take expeditious steps to clear the encroachment and to preserve the water channel.



6. With the above observation, this writ petition is disposed of by directing the third respondent to proceed further pursuant to Form-III notice in accordance with the provisions of the Act as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Executive Engineer,
Kodayar Basin Irrigation System,
Water Resources Organisation,
Public Works Department,
Nagercoil.
3. The Assitant Engineer,
Water Resources Organisation,
Public Works Department,
Irrigation Section, Boothapandi,
Kanyakumari District.
4. The Tahsildar,
Thoovalai Taluk,
Boothapandi,
Kanyakumari District.
5. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

+1CC to Mr.C.T.Perumal, Advocate, SR.No. 51837

+1CC to the Special Government Pleader SR.No.52330

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

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