



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.02.2018

CORAM:

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

W.P (MD) No.18027 of 2017

T.Ulaganathan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Fort St.George,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Superintending Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division,
Nagercoil,
Kanyakumari District.
- 4.The Executive Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division,
Nagercoil,
Kanyakumari District.
- 5.The Assistant Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division,
Mailaudy,
Kanyakumari District.
- 6.The District Revenue Officer,
Collectorate campus,
Kanyakumari District,
Nagercoil.



7.The Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

8.The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.

9.Ponnammal

10.Charles

11.Yesupatham

12.M.Narayanan

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 8 to secure the removal of encroachment made by the respondents 9 to 12 in S.No.1161/1, 1163/2 and 990 which is classified as irrigatory channel and pond (Kuttai) respectively, in Anjugramam village, Agastheeswaram Taluk, Kanyakumari District.

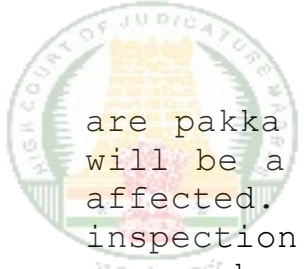
For Petitioner	: Mr.S.Balamurugan
For R1 - R7	: Mr.D.Muruganandam Additional Government Pleader
For R8	: Mr.Karthick Rajan
For R9 - R12	: No appearance

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner has filed this writ petition praying for issuance of a direction upon the official respondents to remove the encroachment made by the respondents 9 to 12 in a land, which is classified as a water body.

2.The notice sent to the respondents 9 to 12 were refused to be received and the Court directed to be served through the concerned police station and the same must have been served. However, the respondents 9 to 12 have not appeared before this court. As it may, the photographs produced before us show that there are four houses and admittedly there are in the tank bund. Therefore, if the existence of the houses, some of which



are pakka houses had caused any damage to the tank bund, then it will be a hazard to the village, apart from the water body being affected. Therefore, we direct the respondents 4 and 5 to make an inspection of the area and ascertain as to what extent the encroachment has been made and if they are satisfied that there are encroachments and requires to be removed, then, they shall issue notice to the respondents 9 to 12 giving time to remove the encroachment by themselves, failing which, the respondents 4 and 5 can initiate appropriate proceedings in accordance with law. The above direction be complied with, within a period of four weeks from the date of receipt of a copy of this order.

3. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary, Public Works Department,
Fort St.George,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Kanyakumari District, Nagercoil.
- 3.The Superintending Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division,
Nagercoil, Kanyakumari District.
- 4.The Executive Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division,
Nagercoil, Kanyakumari District.
- 5.The Assistant Engineer,
(Water Resource Organization)
Public Works Department,
Kothaiyaru Division, Mailaudy,
Kanyakumari District.
- 6.The District Revenue Officer,
Collectorate campus, Kanyakumari District,
Nagercoil.
- 7.The Tahsildar, Agastheeswaram Taluk,
Kanyakumari District.

<https://hccourts.gov.in/MServices/> Sundarvadanam, Advocate, SR.No.51879

+One cc to The Special Government Pleader, SR.Nos.52168&51954



rmi

RL/10C/3P/KK/SAR4/12/3/2018

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ORDER MADE IN
W.P (MD) No.18027 of 2017
27.02.2018