



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.11172 of 2019

and

W.M.P. (MD)No.8542 of 2019

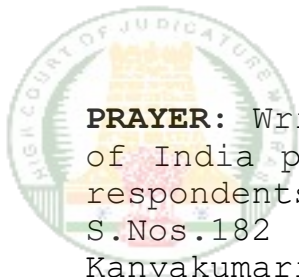
J.Jose

: Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
3. The Executive Engineer,
Public Works Department,
Kuzhithurai, Kanyakumari District.
4. The Divisional Engineer,
Highways Department,
Nagercoil,
Kanyakumari District.
5. The Assistant Executive Engineer,
Highways Department,
Kuzhithurai,
Kanyakumari District.
6. Pazhugal Town Panchayat,
Rep. by its Executive Officer,
Pazhugal,
Kanyakumari District.
7. Gigimole
8. Sathiyaraj,
Statistical Officer,
District Statistics Office,
Collectorate, Nagercoil,
Kanyakumari District.

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to restore the Vannankulam Supply Channel at S.Nos.182 and 184/4 of Pazhugal Village, Vilavancode Taluk, Kanyakumari District.

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For Petitioner	: Mr.M.Saravanan
For Respondents 1to5	: Mr.P.Kannithevan, Additional Government Pleader
For Respondent No.6	: Mrs.J.Padmavathi Devi, Special Government Pleader
For Respondents 7&8	: Mr.F.Deepak

ORDER

The writ petitioner, on an apprehension that the seventh respondent would obstruct the geological water stream passing through her land, approached this Court and obtained an interim order.

2. On notice, the seven respondent appeared before this Court and expressed that she has no intention to obstruct the geological water stream, which will affect her also. At the time of construction, as per the custom adopted, she undertakes to leave 4 feet width for geological channel for the purpose of water passing through her land. To that effect, she filed an affidavit of undertaking also.

3. The affidavit of undertaking filed by the seventh respondent is taken on file and the Writ Petition is disposed of with an observation that the seventh respondent shall adhere to the undertaking and that while putting up construction, she shall leave 4 feet width of channel for flow of geological water stream through her land. A further direction is given that in view of the order passed, the Local Planning Authority can process the application submitted by the seventh respondent for putting up construction in her own land. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District Collector,
Kanyakumari District at Nagercoil.
2. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
3. The Executive Engineer,
Public Works Department,
Kuzhithurai,
Kanyakumari District.
4. The Divisional Engineer,
Highways Department,
Nagercoil,
Kanyakumari District.
5. The Assistant Executive Engineer,
Highways Department,
Kuzhithurai,
Kanyakumari District.
6. The Executive Officer,
Pazhugal Town Panchayat,
Pazhugal, Kanyakumari District.
7. The Statistical Officer,
District Statistics Office,
Collectorate, Nagercoil,
Kanyakumari District.

+1 CC to M/s.F.DEEPAK, Advocate SR-93773.
+1 CC to M/s.R.SUBRAMANIAN, Advocate SR-93904.
+1 CC to SPL GP SR-94223.

**Order made in
W.P. (MD) No.11172 of 2019
Dated: 22.10.2019**

CS (07.11.2019) 3P 11C