



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.11.2019**
CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.13317 of 2019
and
WMP (MD) No.9914 of 2019

V.Manikandeswarakumaran ... Petitioner
Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Public Works Department,
(Water Resources Department),
Kothaiyar Basin Division,
Thuckaley,
Kanyakumari District.
- 3.The Assistant Executive Engineering
Public Works Department
(Water Resources Department),
Kothaiyar Basin Divison,
Thuckalay,
Kanyakumari District.
- 4.The Tahsildhar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
- 5.Girija

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unauthorized / illegal road constructed on the southern side of the Alangulam irrigation tank situated at Re-Survey No.384/1, Kuruthankodu "B" Village, Kalkulam Taluk, Kanyakumari District and further directing the respondents 1 to 3 to ensure the Alangulam Irrigation Tank free from encroachments.



For Petitioner : Mr.S.karthick Ramkumar
For Respondents : Mr.A.K.Baskara Pandian
(R1 to R4) Spl.Govt.Pleader

O R D E R

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

We have heard Mr.S.karthick Ramkumar, learned counsel for the petitioner, Mr.J.Gunaseelan Muthiah, the learned Additional Government Pleader, who accepts notices for the respondents 1 to 4.

2. The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to remove the unauthorized / illegal road, constructed on the southern side of the Alangulam Irrigation Tank, situated at Re-Survey No.384/1, Kuruthankodu "B" Village, Kalkulam Taluk, Kanyakumari District and further directing the respondents 1 to 3 to ensure the Alangulam Irrigation Tank is free from encroachments.

3. The learned Additional Government Pleader submitted that the work was entrusted only for strengthening the bund. However, photographs *prima facie* show that a pucca road has been formed. A road cannot be formed on top of the bund. Therefore, we direct the 3rd respondent to immediately inspect the area and if any violation is found, action should be initiated and the tank bund should be restored to its original position. Of course, such action should be initiated after notice to the 5th respondent. Such direction be complied with within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

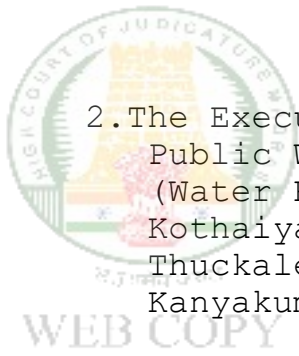
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Sub Assistant Registrar(CS)

MPK

To

1.The District Collector,
Kanyakumari District,
Nagercoil.



2.The Executive Engineer,
Public Works Department,
(Water Resources Department),
Kothaiyar Basin Division,
Thuckaley,
Kanyakumari District.

3.The Assistant Executive Engineering
Public Works Department
(Water Resources Department),
Kothaiyar Basin Divison,
Thuckalay,
Kanyakumari District.

4.The Tahsildhar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

+1 CC to SPL GP (SR-97775[F] dated 12/11/2019)

+1 CC to Mr.S. KARTHIK RAMKUMAR, Advocate (SR-97981[F] dated
13/11/2019)

**W.P. (MD) .No.13317 of 2019
11.11.2019**

MK (26.11.2019) 3P 7C