



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **04.10.2019**
CORAM:

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

W.P(MD)No.21331 of 2019

Kevin Arachi

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration & Water
Supply Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Kanniyakumari District,
at Nagercoil.
3. The Additional Director of Town Panchayats,
Nagercoil Zone,
Collectorate Campus,
Nagercoil,
Kanniyakumari District.
4. The Executive Officer,
Kanniyakumari Special Grade Town Panchayat,
Kanniyakumari.
5. The Proprietor,
Hotel Mathini,
Kanniyakumari Town.
6. The Proprietor,
Hotel Triveni,
Kanniyakumari Town.
7. The Proprietor,
Hotel Manickam,
Kanniyakumari Town.
8. The Proprietor,
Hotel Sangam,
Kanniyakumari Town.



9. The Proprietor,
Hotel Rajammal,
Kanniyakumari Town.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to take appropriate action for removal of encroachment in Sannathi Street, Kanniyakumari Town, Kanniyakumari District as well as to execute the G.O.Ms.No.492/ ந.நி.ம.கு.வ.துறை, dated, 19.09.2013 passed in respect of stoppage of mixing of drainage water directly into the Sea on the basis of the petitioner's representation dated 09.02.2019.

For Petitioner : Mr.P.Saravanakumar
For R1 to R3 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R4 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

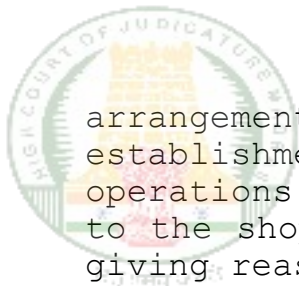
ORDER

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

Heard Mr.P.Saravanakumar, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 1 to 3 and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner by way of this writ petition designed as Public Interest Litigation seeks direction upon the respondent Town Panchayat to ensure that the drainage water, which is let out by the hotels in Sannathi street, do not mix in the sea water. Admittedly, there is no underground drainage as on date. But, there appears to be a proposal. In all probabilities, it will take several years for the project to materialised. Until then, it is the duty of the Town Panchayat to ensure that the drainage and sewage water is not let out into the sea.

3. From the documents annexed in the typed set of papers, it is not clear as to what is the present arrangement, which has been done by the Town Panchayat. It requires immediate attention, because there are several hotels in the area. Therefore, we direct the Executive of the Town Panchayat, fourth respondent to immediately conduct an inspection of the entire area including houses, hotels and other establishments and check as to how the drainage water is being let out and if it is found that the drainage water is being let out into the sea, till the alternative



arrangements are made by the houses, hotels and other establishments, they should not be permitted to carryout their operations. The above exercise shall be done after issuing notice to the shops, hotels, houses and other establishments in the street giving reasonable time to remedy the breach, if found.

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4. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Municipal Administration & Water
Supply Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Kanniyakumari District,
at Nagercoil.

3.The Additional Director of Town Panchayats,
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Collectorate Campus,
Nagercoil,
Kanniyakumari District.

4.The Executive Officer,
Kanniyakumari Special Grade Town Panchayat,
Kanniyakumari.

+1 CC to sPL.GP (SR-91625[F] dated 09/10/2019)

W.P(MD)No.21331 of 2019
04.10.2019

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MK (24.10.2019) 3P 6C