



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) .No.19998 of 2019

M.Nazeer Sulthan

... Petitioner

vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Sub-Collector,
Padmanabhapuram Division,
Thuckalay,
Kanyakumari District.
- 3.The Assistant Director(Town Panchayats),
District Collector Office Campus,
Nagercoil,
Kanyakumari District.
- 4.The Tahsildar,
Vilavancode Taluk Office,
Kuzhithurai,
Kanyakumari District.
- 5.The Executive Officer,
Kadayaal Town Panchayath,
Kaliyal Post,
Kanyakumari District.
- 6.The Village Administrative Officer,
Kadayaal Village,
Kaliyal Post,
Kanyakumari District.
- 7.The Inspector of Police,
Arumanai Police Station,
Arumanai post,
Kanyakumari District.



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to consider the Petitioner's representation dated 7.8.2019 to remove the encroachment done by the 8th respondent and remove the slit at the Kandayan Konathu Kulam @ Irattai Kulam situated in Re-Survey No.642/8 in Kadayal village of Kanyakumari District.

For Petitioner : M/s.Punitha Deva Kumar
For Respondents : Mr.A.Muthukaruppan
1 to 7 Addl.Govt.Pleader

O R D E R

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

Heard M/s.M.Punitha Devakumar, learned counsel appearing for the Petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 7.

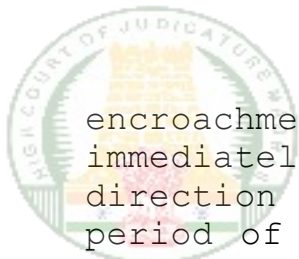
2.By consent of either side, this writ petition is taken up for disposal.

3.The Petitioner seeks for a direction to remove the encroachment made by the eighth respondent in a water body.

4.The Petitioner would state that the 8th respondent has covered a part of the water body, filled it up with slit and is cultivating banana crop and he is drawing water from the said pond, which is under the control of Kadayal Panchayat. It is not as if representations given by the Petitioner and others has not been considered. In fact, 2-C patta was granted to 3 persons which includes the 8th respondent.

5.The learned Additional Government Pleader appearing for the respondents 1 to 7 submitted that considering the objections raised, the 2-C patta granted in favour of the 8th respondent has been cancelled. He would further submit that the fifth respondent will take appropriate action to reclaim the water body, remove all the encroachment and ensure that the water body is preserved. This submission is placed on record.

6.If the 2-C patta granted in favour of the eighth respondent has been cancelled, then the fifth respondent should not cut down the standing trees, but can maintain the trees till the trees continue to yield. Further, if there is any other



encroachment thereby reducing the catchment area, that has to be immediately be restored to its original position. The above direction shall be complied with by the fifth respondent within a period of four weeks from the date of receipt of a copy of this order.

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7. With the above directions and observations, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

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6. The Village Administrative Officer,
Kadayal Village,
Kaliyal Post,
Kanyakumari District.



7.The Inspector of Police,
Arumanai Police Station,
Arumanai post,
Kanyakumari District.

+1 CC to M/s.M.PUNITHA DEVAKUMAR, Advocate (SR-87424[F] dated
18/09/2019)

+1 CC to M/s.SPL GP (SR-87985[F] dated 19/09/2019)

ORDER MADE IN
W.P. (MD) .No.19998 of 2019
18.09.2019

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