



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **01.11.2019**
CORAM:

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

W.P. (MD) .No.23060 of 2019

C.Kirupa ... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Executive Engineer,
Public Works Department,
Kothaiyar Basin Division (PWD)
Nagercoil,
Kanniyakumari District.

3.The Tahsildar,
Villavancode Taluk,
Kuzhithurai,
Kanniyakumari District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to remove the encroachments on the Pattinamkal Channel between Chirayankuzhi to Kannacode Villages, Vilavancode Taluk of Kanniyakumari District.

For Petitioner : Mr.M.V.Venkataseshan
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

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

Heard Mr.M.V.Venkataseshan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

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

3.This writ petition has been filed designed as Public Interest Litigation, seeking for a direction to consider his and to remove the encroachments in a water channel.



4.The petitioner's representation which was of the year in 2015 was taken note of and the third respondent has addressed the second respondent to take steps to survey the property. Subsequently, the petitioner has given another representation dated 12.07.2019 and before this Court by way of this writ petition. The petitioner has not impleaded any of the encroachers as respondents in this writ petition.

5.It is stated by the petitioner that there are several encroachers and it is a channel running about 4 Km.

6.Considering the magnitude of the matter and in the absence of the encroachers being parties to the writ petition, we cannot issue any positive direction to the respondents to take action in a particular manner. Nevertheless, if there is an encroachment in the water channel, the authority should take action *suo motu* without waiting for any orders from this Court or for any representation by the public spirited person. It is not clear as to whether what is the interest of the petitioner in the matter.

7.Be that as it may, since already the matter is under consideration, we direct the second and the third respondents to take appropriate action, if there is any encroachment, to proceed for contemplating the relevant statute would be strictly adhered to and no high handed action should be initiated.

8.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Executive Engineer,
Public Works Department,
Kothaiyar Basin Division(PWD)
Nagercoil, Kanniyakumari District.

<https://hcservices.mca.gov.in/hcservices>



3.The Tahsildar,
Villavancode Taluk,
Kuzhithurai,
Kanniyakumari District.

+1 CC to Mr.M.V.VENKATASESHAN, Advocate (SR-95585[F] dated
01/11/2019)
+1 CC to Spl.GP (SR-95984[F] dated 04/11/2019)

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