



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.1305 of 2021

Bethalis

.. Petitioner

Vs.

1. The Executive Engineer,
Water Resources Organization,
Public Works Department, PWD Road,
Nagercoil,
Kanyakumari District.

2. The Assistant Executive Engineer,
Water Resources Organization,
Public Works Department,
Thuckalay and Post,
Kanyakumari District.

3. Shyam Augustin

4. Justin Raj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by respondents 3 and 4 in the canal running through Sy.No.231 of Midalam Village by considering his representation dated 18.11.2020.

For Petitioner : Mr. Balakrishanan A

For Respondents : Mr. R. Baskaran

Standing Counsel for Government

For R1 and R2

Ms. Kaviya

For T. Balakumaran

For R3

Mr. C. Kishore

For R4



ORDER

[Order of the Court was made by
The Hon'ble Chief Justice]

The grievance of the petitioner is that the private respondents have purported to encroach into a waterbody and divert the water therefrom, much to the chagrin of the residents downstream.

2. Mr.R.Baskaran appears for the first and second respondents and takes notice on their behalf. Mr.Baskaran points out that the second respondent should be able to deal with the matter upon an appropriate representation being made.

3. Ms. Kaviya appears on behalf of the third respondent and Mr.C.Kishore appears on behalf of the fourth respondent. Such respondents completely deny the allegations of encroachment and say that the petition has been instituted on account of personal vendetta of the petitioner against such respondents.

4. Without going into the merits of the allegations levelled, W.P.(MD)No.1305 of 2021 is disposed of by permitting the petitioner herein to carry a detailed representation to the second respondent within a fortnight from date, whereupon the second respondent will consider the same in accordance with law after affording an opportunity of hearing to both the petitioner and the third and fourth respondents. The second respondent should pass a speaking order on the representation within a period of eight weeks from the date of receipt thereof.

5. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mnr

To:

1. The Executive Engineer,
Water Resources Organization,
Public Works Department, PWD Road,
Nagercoil,
Kanyakumari District.



2. The Assistant Executive Engineer,
Water Resources Organization,
Public Works Department,
Thuckalay and Post,
Kanyakumari District.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-25040[F] dated 02/08/2021)

+1 CC to M/s.C.KISHORE, Advocate (SR-25042[F] dated 02/08/2021)

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29.07.2021

ES (CO)

LR (06.08.2021) 3P 5C