



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S. SIVAGNANAM**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD)No.5703 of 2021

and

W.M.P. (MD)No.4507 of 2021

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P.Thangaraja

... Petitioner

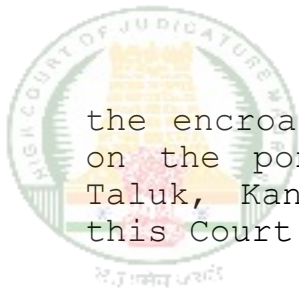
Vs.

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Revenue Divisional Officer,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
3. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
4. The Block Development Officer,
Agasteeswaram Panchayat Union,
Kanyakumari District.
5. The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.
6. The Assistant Executive Engineer,
Public Works Department (WRO),
Pazhayar Basin Sub Division,
Nagercoil, Kanyakumari District.
7. G.Manikandan
8. S.Suresh @ Narayanan
9. A.Arunachalampillai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 5 to consider the representation dated 13.10.2020 and 12.11.2020 respectively, made by the petitioner herein to remove

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



the encroachment made by the respondents 7 to 9 by dumping the mud on the pond in S.No.904/3, in Anjugramam Village, Agastheeswaram Taluk, Kanyakumari District, within the time to be stipulated by this Court.

For Petitioner : Mr.T.Sundaravadanam
For R1 to R6 : Mr.R.Baskaran,
Standing Counsel for Government of
Tamil Nadu
For R7 to R9 : No appearance

ORDER

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

This Writ Petition has been filed seeking for issuance of writ of mandamus to direct the respondents 1 to 5 to consider the petitioner's representations dated 13.10.2020 and 12.11.2020 and remove the encroachment made by the respondents 7 to 9 by dumping the mud in a land comprised in Survey No.904/3 in Anjugramam Village, Agastheeswaram Taluk, Kanyakumari District, which according to the petitioner, is classified as a water body.

2. The learned Standing Counsel for Government appearing for respondents 1 to 6, on instructions, submitted that a direction has already been issued to conduct survey of the property, but, due to pandemic situation, there is a delay in the matter.

3. The private respondents have been served and their names are printed in the cause list, but, none appears for the private respondents.

4. Though action has been taken by passing an order to conduct survey, the same has to be earnestly followed by the authorities and it should not remain as a paper order.

5. Further, the learned Standing Counsel for Government appearing for respondents 1 to 6 submitted that the 5th respondent has addressed the Tahsildar, by a letter dated 21.04.2021, for conducting survey.

6. In the light of the request made by the 5th respondent, the Thasildhar Agasteeswaram Taluk, Nagercoil, Kanyakumari District, is directed to pass appropriate orders for conducting survey of the land in question and submit the report and if any encroachment is found, the same shall be removed, after issuing notice. The Tahsildar shall comply with the above direction within a period of



twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

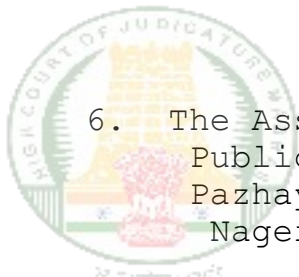
ogy/rmi

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Revenue Divisional Officer,
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Nagercoil,
Kanyakumari District.
3. The Tahsildar,
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4. The Block Development Officer,
Agasteeswaram Panchayat Union,
Kanyakumari District.
5. The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam,
Kanyakumari District.



6. The Assistant Executive Engineer,
Public Works Department (WRO),
Pazhayar Basin Sub Division,
Nagercoil, Kanyakumari District.

+1 CC to M/s.T.SUNDARAVATHANAN, Advocate (SR-19025[F] dated
08/06/2021)

W.P. (MD) No. 5703 of 2021
07.06.2021

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KK(15.06.2021) 4P 8C