



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2021**

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM

and

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.5170 of 2021

WEB COPY

J.Kanni Marial

...Petitioner

-Vs-

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

2.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Nagercoil,
Kanyakumari District.

3.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Cherupaloor,
Kulasekaram Post,
Kanyakumari District.

4.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

5.The Taluk Surveyor,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.,

6.The Executive Officer,
Pacode Town Panchayat,
Pacode Post,
Kanyakumari District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove all the encroachments made by the 6th respondent obstructing the surplus water spilling course of

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



Parakulam Water Tank towards Tamaraikulam Water Tank as per the land revenue field map records and maintain it by considering the petitioner's representation dated 25.09.2020.

For Petitioner : Mr.S.Bharathy Kannan

For Respondents : Mr.K.P.Krishnadoss,
Spl. Govt. Pleader

ORDER

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

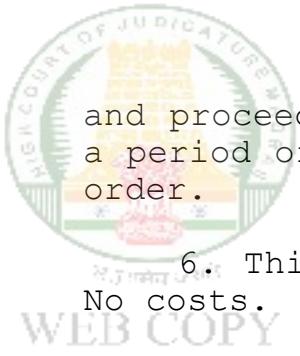
The petitioner by way of this Writ Petition, seeks for the issuance of a Writ of Mandamus, directing the respondents to remove all the encroachments made by the sixth respondent obstructing the surplus water spilling course of Parakulam Water Tank towards Tamaraikulam Water Tank as per the land revenue field map records and maintain it by considering the petitioner's representation dated 25.09.2020.

2. Heard Mr.S.Bharathy Kannan, learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for the respondents.

3. The petitioner is concerned about the blockage of a channel in which there is a surplus water from Parakulam Water Tank to Tamaraikulam Water Tank. With the help of the rough sketch and the photographs, learned counsel appearing for the petitioner explained about us as to how the channel has been blocked by formation of a road, because no culvert was constructed. The encroachment of the water channel has been admitted by the Department, as could be seen from the communication dated 23.11.2020, sent by the third respondent to the writ petitioner. However, no action has been taken to clear the encroachment and restore the channel to its original position. So that the excess water from Parakulam Water Tank will flow towards Tamaraikulam Water Tank.

4. The learned Special Government Pleader appearing for the respondents would submit that reasonable time may be granted to the respondents to look into the matter.

5. On perusal of the photographs, we are convinced that there is a blockage of the channel and if it is a surplus water, then the authority should take immediate action to form the channel. So that the excess water does not get wasted and the neighboring lands and the lands of the petitioner do not get flooded during rains. Therefore, further action be initiated pursuant to the communication of the third respondent in K.No.Ko.26/2020/1796, dated 23.11.2020



and proceed further as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction.
No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

vsm

To

- 1.The District Collector,
Kanniyakumari District,
at Nagercoil.
- 2.The Executive Engineer,
Public Works Department,
Water Resource Organization,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Cherupaloor,
Kulasekaram Post,
Kanyakumari District.
- 4.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.
- 5.The Taluk Surveyor,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.,



6.The Executive Officer,
Pacode Town Panchayat,
Pacode Post,
Kanyakumari District.

WEB COPY +1 CC to M/s.SPL GP (SR-17746[F] dated 27/04/2021)

W.P. (MD) No.5170 of 2021
26.04.2021

GS (18.06.2021) 4P 8C