



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.5175 of 2021

A.Vins Anto

...Petitioner

-Vs-

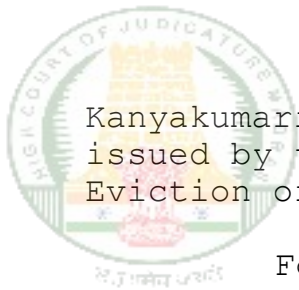
- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Kodayar Basin Division,
Kanyakumari District.
- 3.The Assistant Engineer,
Water Resources Organization,
Public Works Department,
Pattanangal Irrigation Section,
Kanyakumari District.
- 4.The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.
- 5.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 6.The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar & Post,
Kanyakumari District.

7.A.Thangaraj

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments in Pattanangal irrigational canal comprised in R.S.No.534/3, Kattakulam and R.S.No.534/17,18,19 & 20 of Viyanoor 'A' Village, Thiruvattar Taluk,

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



Kanyakumari District pursuant to Form-III notice dated 08.10.2013 issued by the 3rd respondent under Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.K.P.Krishnadoss,

Spl. Govt. Pleader for R1 to R6

No Appearance for R7

ORDER

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

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachments in Pattanangal irrigational canal comprised in R.S.No.534/3, Kattakulam and R.S.No.534/17,18,19 & 20 of Viyanoor 'A' Village, Thiruvattar Taluk, Kanyakumari District, pursuant to Form-III notice dated 08.10.2013, issued by the 3rd respondent under Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

2.Heard Mr.C.T.Perumal, learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for the respondents 1 to 6. Though the seventh respondent has been served and his name is also printed in the cause list, none appears on behalf of him.

3.From the written instructions given to the learned Special Government Pleader, it is evident that there is encroachment and what is requested by the authority is reasonable time.

4.Taking note of the facts and circumstances, there will be a direction upon the third respondent to consider the petitioner's representation and also taking note of the fact that already Form-III notice was issued in the year 2013 itself, after issuing fresh notice to the seventh respondent, action be initiated to remove the encroachment, if any. The said exercise shall be carried out within twelve (12) weeks from the date of receipt of a copy of this order.



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

WEB COPY

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,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Water Resources Organization,
Public Works Department,
Kodayar Basin Division,
Kanyakumari District.
- 3.The Assistant Engineer,
Water Resources Organization,
Public Works Department,
Pattanangal Irrigation Section,
Kanyakumari District.
- 4.The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.
- 5.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 6.The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar & Post,
Kanyakumari District.



+1 CC to M/s.C.T.PERUMAL, Advocate (SR-17641[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17747[F] dated 27/04/2021)

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GS (8.06.2021) 4P 9C