



WEB COPY

W.P.[MD]No.10850 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10850 of 2021

S.Kamaraj

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Collectorate Campus,
Palayamkottai, Tirunelveli.
- 2.The Revenue Divisional Officer,
Collectorate Campus,
Palayamkottai, Tirunelveli.
- 3.The Superintendent Engineer,
Water Resources Organization,
Public Works Department (PWD),
Irrigation Section,
Palayamkottai, Tirunelveli.
- 4.The Superintendent of Police,
Tirunelveli District,
District Police Office,
Palayamkottai, Tirunelveli.
- 5.The Thasildar,
Office of the Palayamkottai Taluk,
Collectorate Campus,
Palayamkottai, Tirunelveli.
- 6.The Block Development Officer,
Palayamkottai Union Office,
Palayamkottai, Tirunelveli - 2.
- 7.The Assistant Director,
District Survey Office,
Palayamkottai,
Tirunelveli.



8.The Inspector of Police,
Taluk Police Station,
Palayamkottai,
Tirunelveli.

9.Petchimuthuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 7th respondent to survey the entire extend of Ariyakulam Tank as per revenue records and fix the boundaries and directing the 1st to 8th respondents to remove of unauthorized encroachments from the pond viz Ariyakulam, which is situated in Survey No.488 and 457 of Ariyakulam Village, Palayamkottai Taluk, Tirunelveli District in the light of the Provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and protect the water catchments and its input canal irrigation water and to restore the water bodies to its original position, based on petitioner's representation, dated 09.06.2021 within time limit as fixed by this Court.

For Petitioner : Mr.R.M.Suresh

For R1 - R8 : Mr.A.K.Manickam

Standing Counsel for Government

O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.R.M.Suresh, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for R1 to R8.

3.The petitioner has filed this Writ Petition seeking for a direction upon the seventh respondent to survey the entire extent of Ariyakulam Tank as per revenue records and fix the boundaries and for a further direction to the respondents 1 to 8 to remove all unauthorized encroachments from the pond viz Ariyakulam, which is situated in Survey No.488 and 457 of Ariyakulam Village, Palayamkottai Taluk, Tirunelveli District, in the light of the Provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and protect the water catchments and its input canal irrigation water and to restore the water bodies to its original position, based on his representation dated 09.06.2021.

4.Since we are disposing of this writ petition without notice



to the ninth respondent, we are not issuing any positive direction.

5.The learned Government Counsel, on instructions from respondents 5, 6 & 7 submits that survey has been scheduled to be conducted next week and requests that reasonable time may be granted to the authorities to complete the survey because the extent is a very vast extent.

6.Considering the pandemic situation which is prevailing now, the authorities should be granted some time, for which, we do not propose to fix any outer time limit, but we direct the authorities to do the survey as expeditiously as possible, after notice to all concerned including the ninth respondent.

7.The Writ Petition stands disposed of, accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
Tirunelveli District,
Collectorate Campus,
Palayamkottai, Tirunelveli.
- 2.The Revenue Divisional Officer,
Collectorate Campus,
Palayamkottai, Tirunelveli.
- 3.The Superintendent Engineer,
Water Resources Organization,
Public Works Department (PWD),
Irrigation Section,
Palayamkottai, Tirunelveli.



4.The Superintendent of Police,
Tirunelveli District,
District Police Office,
Palayamkottai, Tirunelveli.

5.The Thasildar,
Office of the Palayamkottai Taluk,
Collectorate Campus,
Palayamkottai, Tirunelveli.

6.The Block Development Officer,
Palayamkottai Union Office,
Palayamkottai, Tirunelveli - 2.

7.The Assistant Director,
District Survey Office,
Palayamkottai,
Tirunelveli.

8.The Inspector of Police,
Taluk Police Station,
Palayamkottai,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-21225[F] dated 05/07/2021)

ORDER MADE IN
W.P. [MD]No.10850 of 2021

01.07.2021

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