



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.21161 of 2014
(Through Video Conference)

WEB COPY

C.Thavasu

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Engineer,
Public Works Department,
Kothayar Irrigation Division,
Nagercoil,
Kanyakumari District.

3.The Tahsildhar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to remove the obstructions caused in the Nilaviyal Vaikal in Field Nos.490/13, and 505/4 of Madusoothanapuram Village, Agastheeswaram Taluk, Kanyakumari District by considering the representation of the petitioner dated 18.07.2014.

For Petitioner : Mr.John Jayakumar

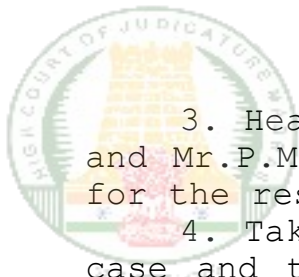
For Respondents : Mr.P.Mahendran,

Additional Government Pleader

O R D E R

This writ petition was filed for the issue of Writ of Mandamus directing the respondents to remove the encroachments that have been made in survey field Nos.490/13, and 505/4 of Madusoothanapuram Village, Agastheeswaram Taluk, Kanyakumari District by considering the representation made by the petitioner on 18.07.2014.

2. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the representation made by the petitioner was considered and the third respondent after conducting an enquiry and survey, found that there is encroachment in S.No.490/13 and there was no encroachment in S.No.505/4. The learned counsel further submitted that the third respondent will proceed further and initiate action for the removal of the encroachment within the time fixed by this Court.



3. Heard Mr.John Jayakumar, learned counsel for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case and the subsequent developments that has taken place in this case, there shall be a direction to the third respondent to proceed further and complete the entire process of removing the encroachment in S.No.490/13, in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. The petitioner is directed to make a fresh representation to the third respondent along with a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Nagercoil.

2.The Executive Engineer,
Public Works Department,
Kothayar Irrigation Division,
Nagercoil,
Kanyakumari District.

3.The Tahsildhar,
Agastheeswaram Taluk,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-17939[F] dated 28/04/2021)

W.P. (MD) No.21161 of 2014

27.04.2021

KK(16.06.2021) 2P 5C