



W.P.(MD)No.11248 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.11248 of 2021

A.Vins Anto

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The Executive Engineer,
Water Resources Organisation,
Public Works Dept, Kodayar Basin Division,
Nagercoil.

3. The Asst Engineer,
Neyyar Irrigation Section-II,
Water Resources Organisation,
Public Works Dept, Kuzhithurai and Post,
Kanyakumari District.

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

5. The Superintendent of Police,
Kanyakumari District, Nagercoil.

6. Selvanayagam.Y

7. Sundarraaj

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 to 5 to survey, demarcate the boundaries and remove the encroachments in Vilathurai lift irrigation channel running through R.S.no. 457/1, 2 and 3 and 474/14 of Vilathurai Village and R.S.no. 170/1 and 169/1 of Nattalam B Village of Vilavancode Taluk, Kanyakumari District, made by the respondents 6 and 7 and others.

For Petitioner : Mr.C.T.Perumal

For Respondents 1 to 5 : Mr.S.P.Maharajan
Special Government Pleader

For Respondent No.6 : Mr.M.Dinnis Joe

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 5 to survey, demarcate the boundaries and remove the encroachments made by the respondents 6 and 7 and others in Vilathurai lift irrigation channel running through R.S.Nos.457/1, 2 and 3 and 474/14 of Vilathurai Village and R.S.Nos.170/1 and 169/1 of Nattalam 'B' Village of Vilavancode Taluk, Kanyakumari District.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 5, on instructions,



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submitted that pursuant to the filing of this Writ Petition, the authorities concerned have surveyed the aforesaid land in question and Form-III notices have already been issued to the encroachers. He further submitted that the encroachments will be removed within a time frame.

3. The aforesaid submission of the learned Government Pleader appearing for the respondents 1 to 5 is not refuted by the learned counsel for the petitioner.

4. Recording the above submission, the Writ Petition is disposed of with a direction to the respondents 1 to 5 to proceed with removal of encroachment in question, after affording sufficient opportunity to the petitioner, respondents 6 and 7 and all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]

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Internet : Yes / No
Index : Yes / No
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