



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

W.P. (MD)No.13452 of 2022
and WMP (MD) No.9548 of 2022

K.Ramaraja

: Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Department of Water Resources (WRD)
Fort St. George,
Chennai.

2.The District Collector
Kanyakumari District
Nagercoil.

3.The District Forest Officer,
Kanyakumari District
Nagercoil.

4.The Executive Engineer
Public Works Department
Kothaiyar Division,
Nagercoil
Kanyakumari District.

5.The District Collector
Tirunelveli District
Tirunelveli.

6.The Tahsildar
Radhapuram Taluk
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 3,4, and 5 to grant permission and assistance for cleaning the high level water supply channel situated in the Reserve Forest Area under the jurisdiction of 3rd respondent and being maintained by the 4th respondent as from Alanthurai Aaru to Suravali Odai Anai in the Western Ghats near Panagudi Village, presently Radhapuram Taluk and originally Nanguneri Taluk, Tirunelveli District on our cost or in alternative direct the respondents 3,4



and 5 to take effective measurements to clear all the debris stones, waste materials in the water channel on the allotted funds for this purpose by the 1st respondent within a time frame as stipulated.

For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.P.Thilakkumar
Government Pleader

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ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

In the opinion of this Court, a mandamus as prayed for by the petitioner cannot be granted in the absence of a statutory duty on the part of the respondents. However, on instructions, the learned Government Pleader submitted that the authorities are manually clearing the channel bed, but since the channel passes through forest area, they have sought the protection of forest officials against sudden attack by animals. He also produced photographs in support of this. Recording the same, this petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

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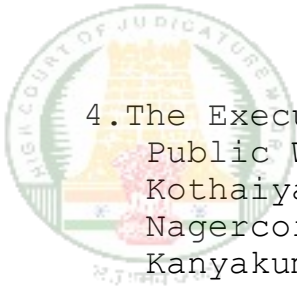
/07/2022

Sub Assistant Registrar(CS)

RR

To

- 1.The Secretary
Department of Water Resources (WRD)
Fort St. George,
Chennai.
- 2.The District Collector
Kanyakumari District
Nagercoil.
- 3.The District Forest Officer,
Kanyakumari District
Nagercoil.



4.The Executive Engineer
Public Works Department
Kothaiyar Division,
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Kanyakumari District.

5.The District Collector
Tirunelveli District
Tirunelveli.

6.The Tahsildar
Radhapuram Taluk
Tirunelveli District.

+1 CC to M/s.S. PALANIVELAYUTHAM, Advocate (SR-28652[F]
dated 29/06/2022)

+1 CC to M/s.SPL.GP (SR-28733[F] dated 29/06/2022)

Order made in
W.P. (MD) No.13452 of 2022
28.06.2022

SG (CO)
GC (06.07.2022) 3P 9C