



W.P(MD)No.15524 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

W.P(MD)No.15524 of 2021

A.Vins Auto

... Petitioner

VS.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Executive Engineer,
Water Resources Department cum
Public Works Department,
Kodayar Basin Division,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Engineer,
Pattanamkal Irrigation Section,
Water Resources Department cum
Public Works Department,
Kuzhithurai & Post,
Kanyakumari District.
- 4.The Tahsildar,
Killiyoor Taluk,
Tholayavattam & Post,
Kanyakumari District.



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

6.Golappan
7.Thersammal
8.Selvaraj
9.Neelakandan
10.Harish

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey the land, demarcate the boundaries and remove the waterbody encroachments in Vizhunthayampalam area Pattanamkal irrigation channel running through in R.S.No.80/28, 25, 19, 18, 10, 87/14 and 89/11, 12 and 16 situated in Killiyoor Village and Killiyoor Taluk, Kanyakumari District made by the respondents 6 to 10.

For Petitioner	: Mr.N.S.Ramakrishna Dass
For RR 1 to 4	: Mr.P.Thilak Kumar Government Pleader
For R – 5	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R – 6	: Mr.V.M.Bala Mohan Thambi
For R – 7	: Mr.S.Sivakumar
For R – 8	: No appearance
For R – 9	: Mr.C.Sankar Prakash
For R – 10	: Mr.K.Prabhu



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ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to survey the land, demarcate the boundaries of Vizhunthayampalam area Pattanamkal irrigation channel running through in R.S.No.80/28, 25, 19, 18, 10, 87/14 and 89/11, 12 and 16 situated in Killiyoor Village and Killiyoor Taluk, Kanyakumari District and remove the encroachments therein made by the respondents 6 to 10.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 4 submitted that the representation of the petitioner, dated 06.07.2021 is considered by the official respondents and Form – I notice was also issued by the authorities concerned so as to take necessary action.



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3. The learned counsel appearing for the ninth respondent fairly submitted that the ninth respondent on his own volition removed the encroachments made by him and he is ready to co-operate with the authorities for removal of encroachment.

4. Such statement is also recorded.

5. Recording the abovesaid submissions, the Writ Petition is disposed of directing the authorities concerned to remove the encroachments, if any, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
27.10.2022



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 27.10.2022