



W.P(MD)No.16800 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.16800 of 2021
and
W.M.P(MD)No.13682 of 2021**

A.Kishore Baiju

... Petitioner

VS.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 3.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
- 4.The Executive Engineer,
Public Works Department,
(Water Resources Department),
Nagercoil,
Kanyakumari District.



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5.The Assistant Executive Engineer,
Public Works Department,
(Water Resources Department),
Thuckalay,
Kanyakumari District.

6.The Executive Officer,
Kothanalloor Town Panchayat,
Chemparuthivilai,
Kanyakumari District.

7.Gregori

8.Amalajaya

9.Johnrose

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made in R.S.No.197/27, Kathanalloor Village, Kalkulam Taluk, Kanyakumari District, by the respondents 7 to 9 herein, along Travancore Canal Poramboke and thereby remove the superstructure made by the respondents 7 to 9 herein in the abovesaid land forthwith.

For petitioner : Mr.C.Kishore

For RR 1 to 6 : Mr.V.Nirmal Kumar
Government Advocate

For R – 7 : Mr.D.Senthil Kumar

For RR 8 & 9 : No appearance

ORDER

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(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 1 to 6 to remove the encroachment made in R.S.No.197/27, Kathanalloor Village, Kalkulam Taluk, Kanyakumari District, by the respondents 7 to 9, along Travancore Canal Poramboke and thereby remove the superstructure made by the respondents 7 to 9 in the abovesaid land forthwith.

2.The main allegation in this Writ Petition is that the respondents 1 to 6 failed to remove the encroachments made by the respondents 7 to 9, despite several representations. Hence, this Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 to 6, on instructions, submitted that necessary enquiry and survey would be conducted, appropriate action will be taken to remove the encroachment, if any, after giving notice and sufficient opportunity to all the parties concerned and by due process of law.

4. The learned counsel appearing for the seventh respondent



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submitted that opportunity must be provided to the seventh respondent for filing necessary documentary evidences and also his objection.

5. Recording the abovesaid submissions, the authorities concerned are directed to conduct a survey of the place in question in the presence of all the parties, after due notice. If the survey revealed any encroachment as claimed by the petitioner, the authorities concerned shall take necessary action for removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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

Index : Yes / No
Internet : Yes
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To

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ORDER MADE IN
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