



W.P.(MD)No.24525 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

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

W.P(MD)No.24525 of 2018

V.Ramadhas

... Petitioner

Vs.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 4.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
- 5.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
Kodayar Sub Divisional Basin,
Nagercoil,
Kanyakumari District.



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6.The Block Development Officer,
Thiruvattar Panchayat Union,
Thiruvattar,
Kanyakumari District.

7.R.Chellathurai

8.Jikhil

9.Jilin

10.The Tahsildar,
Thiruvattar Taluk,
Thiruvattar,
Kanyaumari District.

... Respondents

(R10 Impleaded Vide Court Order
dated 09.12.2019 in WMP(MD)No.
21169/2019 by MDJ and TKJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to remove the encroachment made in R.S.No.154/1A1, Veeyanoor 'B' Village, Kalkulam Taluk, Kanyakumari District, by the respondents 7 to 9 herein, along the Chittar Pattanamkal Canal bund, which is a Canal Puramboke, and thereby remove the superstructure, made by the respondents 7 to 9 herein in the above said land forthwith and direct the 4th respondent herein to cancel the patta granted in favour of the 7th respondent in patta No.3845 and direct the 4th and 5th respondents to effect the sub division of the said property and classify the said land as "Canal Puramboke".

For Petitioner

: Mr.C.Kishore

For Respondents 1 to 5

: Mr.S.P.Maharajan
Additional Government Pleader



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For 6th Respondent : Mr.A.Thiyagarajan
Standing Counsel

For Respondents 7 & 8 : Mr.D.Christenson Juguno

For 9th Respondent : No appearance

* * *

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 6 to remove the encroachment made in R.S.No.154/1A1, Veeyanoor 'B' Village, Kalkulam Taluk, Kanyakumari District, by the respondents 7 to 9 along the Chittar Pattanamkal Canal bund, which is a Canal Poramboke, and for a direction to the 4th respondent herein to cancel the patta granted in favour of the 7th respondent in patta No.3845 and a direction to the respondents 4 and 5 to effect the sub division of the said property and classify the said land as "Canal Poramboke".

2. Heard Mr.C.Kishore, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Additional Government Pleader, appearing for the respondents 1 to 5, Mr.A.Thiyagarajan, learned Standing Counsel, appearing for the 6th respondent and



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Mr.D.Christenson Juguno, learned counsel for the respondents 7 and 8.

3. According to the learned counsel for the petitioner, respondents 7 to 9 have made encroachments in R.S.No.154/1A1, Veeyanoor 'B' Village, Kalkulam Taluk, Kanyakumari District, along the Chittar Pattanamkal Canal bund, which is a Canal Poramboke.

4. The said submission of the learned counsel for the petitioner is stoutly refuted by the learned counsel for the respondents 7 and 8 and by relying on the letter of the 5th respondent to the petitioner in Letter No.Va.3/M.68/465/2018 dated 21.04.2018, he submitted that the disputed area is only a patta land belonging to the private respondents.

5. Considering the peculiar facts and circumstances of the case, in order to give quietus to the issue, this Court directs the 3rd respondent – Revenue Divisional Officer to conduct an enquiry, after issuing notice to the petitioner, respondents 7 to 9 and all other parties concerned and providing sufficient opportunity to them to produce relevant documents in support of their claim,



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and pass appropriate orders on merits and in accordance with law.

If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 7 to 9 and any other parties, the authorities shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
22.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

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Kanyakumari District.

2.The District Revenue Officer,
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3.The Revenue Divisional Officer,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

4.The Tahsildar,
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Thuckalay,
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5.The Executive Engineer,
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Kodayar Sub Divisional Basin,
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6.The Block Development Officer,
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