



W.P.(MD)No.26288 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.26288 of 2022

K.Nileshram

... Petitioner

Vs.

1. The Chief Engineer,
O/o. the Chief Engineer,
C and M, II Floor,
No.76, Sardar Patel Road,
Guindy, Chennai-25.

2. The Divisional Engineer (H) C and M,
O/o.The Divisional Engineer (H) C and M,
Tirunelveli Division, Tirunelveli.

3. The Superintending Engineer (H) C and M,
O/o. the Superintending Engineer (H) C and M,
PWD Compound, Nagarcoil.

4. The Divisional Engineer (H),
Highways Quality Control Department,
PWD Compound, Nagarcoil.



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5. The Chief Engineer, PWD-WRD,
O/o. the Chief Engineer, PWD-WRD,
Water Resources Department, Chennai.

6. The Executive Engineer, WRD,
O/o. the Executive Engineer,
Water Resources Department,
Palaiyaru Basin Circle, Nagarcoil.

7. The Assistant Executive Engineer
WRD,
O/o. the Assistant Executive Engineer,
Water Resources Department,
Palaiyaru Basin Circle, Nagarcoil.

8. The District Collector,
Collectorate Office,
Kanniakumari District.

9. The District Revenue Officer,
Collectorate Office,
Kanniakumari District.

10. The Tahsildar,
Thovalai Taluka Office,
Kanniakumari District.

11. The Assistant Director of Town Panchayat,
Nagarcoil, Kanniakumari District.

12. The Executive Officer,
Thazhakudi Town Panchayat, Thazhakudi.

13. R.Balakrishnan

14. Ragul R.B

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to
issue a Writ of Mandamus, directing the respondents 5 to 12 to remove the



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permanent structure erected and the installed plants of the Bitumen Tar Hot Mixing Plants and Cement Concrete Ready Mix Unit by the respondents 13 and 14 in the public State Highway Road, Thovalai Circle Water canal land and the Revenue lands situated in Survey Nos. 463, 464/2, 464/4, 464/6, 464/10, 465, 467/13, 468 and 469 of Thazhakudi Town Panchayat, Thovalai Taluk, Nagarcoil, Kanniyakumari District and consequently directing the respondents 3 and 4 to make necessary arrangements by restoring it to its original position for free flow of transport and movement of common public in order to utilize the same for public purpose based on the petitioner's representations dated 10.06.2022, 28.06.2022, 15.07.2022, 13.08.2022 and 25.08.2022.

For Petitioner : Mr.K.Vignesh

For Respondents 1 - 12 : Mr.P.Thilak Kumar
Government Pleader

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 5 to 12 to remove the permanent structure, Bitumen Tar Hot Mixing Plants and Cement Concrete Ready Mix Unit erected by the respondents 13 and 14 in the public State Highway Road, Thovalai Circle water canal land and the revenue lands situated in Survey Nos. 463, 464/2, 464/4, 464/6, 464/10, 465, 467/13, 468 and 469 of



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Thazhakudi Town Panchayat, Thovalai Taluk, Nagarcoil, Kanniyakumari

District and consequently, directing the respondents 3 and 4 to make necessary arrangements by restoring the lands in question to its original position for free flow of transport and free movement of general public, based on his representations dated 10.06.2022, 28.06.2022, 15.07.2022, 13.08.2022 and 25.08.2022.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 12, on instructions, submitted that pursuant to the filing of this Writ Petition, the authorities concerned have conducted a survey in the aforesaid waterbody as well as the lands in question and identified the extent of encroachments. He further submitted that the said encroachments will be removed by following due process of law, within a time frame.

3. The aforesaid submission of the learned Government Pleader appearing for the respondents 1 to 12 is not refuted by the learned counsel for the petitioner.



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4. Recording the above submission, the Writ Petition is disposed of with a direction to the respondents 5 to 12 to proceed with removal of encroachments in question, after affording sufficient opportunity to the petitioner, respondents 13 and 14 and all other 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
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