



W.P(MD)No.27551 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.27551 of 2022

N.Prabha

... Petitioner

VS.

- 1.The District Collector,
Kanyakumari District,
O/o.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Kanyakumari District,
O/o.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Agasteeswaram Taluk,
O/o.Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
- 4.The Executive Engineer,
PWD (Water Resource Organization-Irrigation Department),
O/o.Public Works Department,
Nagercoil,
Kanyakumari District.



W.P(MD)No.27551 of 2022

WEB COPY

5.The Assistant Engineer,
PWD (Water Resource Organization-Irrigation Department),
O/o.Public Works Department,
Mylady,
Kanyakumari District.

... 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 5 to consider the petitioner's representation dated 22.11.2022 and consequently, remove the illegal encroachments made by the private parties in "Madathu Oodai Pasana Kalvai" situated in Government land comprised in Re.Survey No.69 at Kulasekharapuram Village, Agasteeswaram Circle, Kanyakumari District within the time frame.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition seeking to remove the illegal encroachments made by the private parties in "Madathu Oodai Pasana Kalvai" situated in Government land comprised in Re.Survey No.69 at Kulasekharapuram Village, Agasteeswaram Circle, Kanyakumari District within the time frame.



W.P(MD)No.27551 of 2022

WEB COPY

2.The allegation of the petitioner is that the private respondents has dumped stones in “Madathu Oodai Pasana Kalvai” and attempting to convert the agricultural land into housing plots and if the said Oodai is blocked, there will be a possible for diversion of surplus water, which leads to the flood during the rainy season and the same will enter into the adjacent Villages. With regard to the same, the petitioner made a representation, dated 22.11.2022 to the respondents 1 to 5. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3.Mr.K.Balasubramani, learned Special Government Pleader, who takes notice for the respondents, has produced the proceedings of the fifth respondent addressed to the fourth respondent in Na.Ka.No.Ko. 11B/327/2022, dated 17.05.2022, wherein, it has been clearly stated that the fifth respondent has recommended to construct the retaining wall subject to the conditions.



W.P(MD)No.27551 of 2022

WEB COPY

4.In view of the abovesaid proceedings, dated 17.05.2022, the relief sought for by the petitioner has been met out and as such, this Writ Petition stands disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
05.12.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Kanyakumari District,
O/o.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Kanyakumari District,
O/o.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Agasteeswaram Taluk,
O/o.Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.



W.P(MD)No.27551 of 2022

WEB COPY

- 4.The Executive Engineer,
PWD (Water Resource Organization-Irrigation Department),
O/o.Public Works Department,
Nagercoil,
Kanyakumari District.
- 5.The Assistant Engineer,
PWD (Water Resource Organization-Irrigation Department),
O/o.Public Works Department,
Mylady,
Kanyakumari District.



WEB COPY



W.P(MD)No.27551 of 2022

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.27551 of 2022

DATED : 05.12.2022