



W.P.(MD) No.1431 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1431 of 2023

S.Maheshwari

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil – 629 001.
- 2.The Revenue Divisional Officer,
Agatheeswaram Taluk,
Kanyakumari District.
- 3.The Tahsildhar,
Agatheeswaram Taluk,
Kanyakumari District.
- 4.The Executive Engineer,
Public Works Department,
(Water Resources),
Nagercoil, Kanyakumari District.



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5.The President,
Mayiladi Town Panchayat,
Kanyakumari District.

6.M.Saravanan

7.K.Sudalai

8.Kalyani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 4 to remove the encroachments made by the respondents 6 to 8 in the channel situated in Survey No.420/4, Mayiladi post, Kanyakumari District by considering the petitioner's representation 16.09.2022.

For Petitioner : Mr.MP.Senthil

For Respondents : Mr.P.T.Thiraviyam,
Govt. Advocate for R1 to R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing respondents 1 to 4 to remove the encroachments made by the



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respondents 6 to 8 in the channel situated in Survey No.420/4, Mayiladi post, Kanyakumari District, by considering the petitioner's representation 16.09.2022.

2. Heard Mr.MP.Senthil, learned counsel for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the respondents 1 to 4. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 5 to 8 is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the respondents 6 to 8 have made encroachments in the Channel in Survey No. 420/4, Mayiladi post, Kanyakumari District. In this regard, though the petitioner made a representation on 16.09.2022, seeking to remove the said encroachment, till date, no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.



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5. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the land in S.No.420/4 is not a channel and it is a private land stands in the name of one Kumarasamy Pillai. He has also produced the 'A' Register to that effect.

6. In view of the aforesaid submission, this Court is of the view that no case has been made out for any direction, as sought for by the petitioner and hence, this Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

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

25.01.2023

NCC : Yes / No

Index : Yes / No

vsm



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