



W.P.(MD)No.4415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
and
THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.4415 of 2023
and
W.M.P.(MD)No.4154 of 2023

R.Manikanda Iyan

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Public Works Department,
Water Resources Department,
Nagercoil.
- 3.The Assistant Engineer,
Irrigation Special Section,
Public Works Department,
Water Resources Department,
Thuckalay,
Kanyakumari District.
- 4.The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil.
- 5.The Executive Officer,
Ganapathipuram Town Panchayat,



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Ganapathipuram and Post,
Kanyakumari District.

6. The President,
Ganapathipuram Town Panchayat,
Ganapathipuram and Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to forbear 5th and 6th respondents from constructing any structures encroaching the Oodai in R.S.No.540/1 of Neendakarain 'B' Village, Agasteeswaram Taluk, Kanyakumari District and also to remove the constructions made there by them for the purpose of solid waste management.

For Petitioner :Mr.C.T.Perumal

For Respondents :Mr.R.Ravindran,
Addl. Advocate General
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.



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2.The petitioner's grievance is that a solid waste management project is to come up on the petition mentioned water body. He wants this Court to forebear the respondents from putting up any such construction.

3.When the matter was taken up for hearing, the learned Additional Advocate General submitted that stop work notice has already been issued and he assured the Court that the water body will be maintained intact and that no construction will be allowed to come up thereon. If any preliminary construction has been put up, the same shall be removed and the water body shall be restored to its original condition.

4.Recording the submission of the learned Additional Advocate General, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
02.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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