



W.P.(MD)No.13719 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.08.2023

CORAM

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

W.P(MD)No.13719 of 2023
and
W.M.P.(MD)No.11535 of 2023

Glory Xavier Dass

... Petitioner

Vs.

1.The Tahsildar,
Thovalai Taluk,
Office at Boothapandi,
Boothapandi P.O.
Kanyakumari District.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.M.Peer Mohammed

4.The Assistant Engineer,
Irrigation Section,
Water Resource Department,
Boothapandy, Thovalai Taluk,
Kanyakumari District.
(R4 is impleaded vide order dated 08.08.2023
in W.M.P.(MD)No.15765 of 2023)

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent 1 and 2 to remove the encroachment and illegal constructions made by the 3rd respondent encroaching upon the pathway and watercourse in RS.No. 105/3 of Gnanam Village of Thovalai Taluk which leads to Periyakulam pond from near the hospital in Servite Convent of Antharapuram as shown in the Resurvey Plan.

For Petitioner :Mr.S.Titus

For Respondents :Mr.M.Siddhardhan
Additional Government Pleader for R1, R2 & R4

: No appearance for R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1, R2 & R4. The third respondent has been served. But he has not chosen to enter appearance.

2. The allegation of the petitioner is that R.S.No.105/3, Gnanam Village, Thovalai Taluk is a water body and that the third respondent has put up constructions thereon. The statement of the petitioner is accepted by the official respondents.



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3. The learned Additional Government Pleader states that Form-II notice has already been issued to the third respondent and the process of removal of the encroachment by adhering to due process of law will be completed within a period of ten weeks from the date of receipt of a copy of this order.

4. Recording the said undertaking given by the official respondents, they are directed to cause removal of the petition mentioned encroachment within the aforesaid period.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
08.08.2023

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



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G.R.SWAMINATHAN, J
and
B.PUGALENDHI, J.

rmi

To

- 1.The Tahsildar,
Thovalai Taluk,
Office at Boothapandi,
Boothapandi P.O.
Kanyakumari District.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Assistant Engineer,
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