



W.P.(MD)No.17686 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.10.2023

CORAM

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

W.P(MD)No.17686 of 2023

C.Thangadurai

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Kanyakumari District.
- 2.The Tahsildar,
Agatheeswaram Taluk,
Kanyakumari District.
- 3.The Assistant Executive Engineer,
Water Resource Management,
Palayaru Vadi Nila (Sub Division),
Nagerkovil,
Kanyakumari District.
- 4.The Block Development Officer,
Block Development Office,
Agatheeswaram,
Kanyakumari District.
- 5.The Executive Officer,
Nallur Village,
Maruzoor Town Panchayat,



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Agatheeswaram Taluk,
Kanyakumari District-629 402.

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6.Narayana Perumal

7.Nagarajan

8.Abraham Sundarraaj

9.Pon Rathinabai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the encroachment in the water body and government land at S.F.Nos.371-1, 373-1, 360-4, 636-3 and S.F.No.361-1 at Nallur Village, Marungoor Town Panchayat, Agatheeswaram Taluk, Kanyakumari District by way of considering the petitioner's representation on 28.03.2023.

For Petitioners :Mr.R.Jegadeeswaran

For Respondent :Mr.K.Balasubramani,
Special Government Pleader for R1 to R5

: Mr.P.R.Prithiviraj for R6 & R7

: Mr.R.Pravin for R8

: no appearance for R9

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that there are encroachments in the petition mentioned water bodies and the government lands. Notice was issued.



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3. When the matter was taken up for hearing, the learned Special Government Pleader on instructions submitted that encroachments have been identified in Survey No.371/1 and Survey No.360/4 at Nalloor Village. It is also further stated that Form-I notice was already issued on 26.09.2023. The official respondents are directed to take the process to its logical conclusion. The official respondents will ensure that the petition mentioned water bodies are kept free of encroachments for all times to come. This direction will be in the nature of writ of continuing mandamus.

4. It is alleged by the petitioner that the 9th respondent physically resisted such encroachment removal measures. If the 9th respondent repeats such conduct, the authorities are directed to initiate penal action against the 9th respondent. If necessary, criminal case shall be registered against the 9th respondent, if such conduct is repeated.

5. With this direction to the official respondents to remove all the encroachments, the writ petition is allowed. No costs.

[G.R.S., J.] [B.P., J.]
10.10.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

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