



W.P(MD)No.26577 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.11.2023

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

W.P(MD)No.26577 of 2023

A.Satheesh Kumar

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Public Works Department,
Secretariat, Chennai.
- 2.The District Collector,
Collectorate,
Kanyakumari District
At Nagercoil.
- 3.The Executive Engineer,
Public Works Department (WRO),
Kothaiyaru Basin Division,
Nagercoil,
Kanyakumari District.
- 4.The Assistant Executive Engineer,
Public Works Department (WRO),
Kothaiyaru Basin Division,
Cheruppaloor,
Kulasekaram Post,
Kanyakumari District.



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5.The Tahsildhar,
Thiruvattar Taluk,
Kanyakumari District.

6.The Block Developmental Officer,
Thiruvattar Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.09.2023 and take appropriate steps to conduct survey and remove the encroachments made in Re.S.Nos.82 and 83/1 in Ponmanai-B Village, Thiruvattar Taluk, Kanyakumari District, by adopting the procedures contemplated under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and its Rules and the Tamil Nadu Land Encroachment Act, 1905 within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner wants the encroachment made in respect of the petition mentioned water body to be removed.

3.When the matter was taken up for hearing, the learned Special Government Pleader on instructions submitted that survey was already conducted and fourteen persons have been identified as encroachers and Form – I notice was issued on 09.08.2023.

4.We direct the fourth respondent to take the proceedings to their logical conclusion. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order. If the encroachment is confirmed, proper steps will be taken to have the same removed in toto.



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5.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
07.11.2023

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

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and
B.PUGALENDHI, J.**

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