



W.P.(MD)No.2567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM

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

W.P(MD)No.2567 of 2024
and
W.M.P.(MD)No.2599 of 2024

1.A.Wins Anto

2.V.Murugesapillai

3.R.Chellappan

... Petitioners

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Executive Engineer,
Kothaiyar Irrigation Division,
WRD, Nagercoil.

3.The Assistant Engineer,
Irrigation Special (Tanks) Section,
WRD, Thuckaly, Kanyakumari District.

4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

5.The Sub Collector,
Padmanabapuram Revenue Division,
Thuckaly, Kanyakumari District.



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6.The Tahsildar,
Kalkulam Taluk, Thakkalai Post,
Kanyakumari District.

7.The President,
Chadayamangalam Village Panchayat,
Chadayamangalam,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take immediate steps to remove all the encroachments made in the Mankulam alias Paambattikulam in Chadayamangalam Village, Kalkulam Taluk, Kanyakumari District by invoking the provisions of the Tamilnadu Protection of Tanks and eviction of Encroachment Act, 2007 and to restore the said Tank to its original position.

For Petitioners :Mr.G.Prabhu Rajadurai

For Respondents :Mr.K.Balasubramani,
Special Government Pleader for R1 to R3, R5 & R6

: Mr.M.Lingadurai
Special Government Pleader for R7

: Mr.A.Albert James
Government Advocate for R4

ORDER

Heard both sides.



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2. The petitioners herein had earlier filed W.P.(MD)No.25381 of 2022 for removing the encroachments in the petition mentioned tank. The said writ petition was disposed of by us on 22.08.2023 by recording the stand of the District Collector that no more encroachment in the water body in Kanyakumari District will be permitted. In fact, target in the said writ petition was the government buildings. We decided to spare them. The petitioners have come up with this writ petition by pointing out that while the government buildings can be spared, same indulgent treatment cannot be extended to the private encroachers.

3. We endorse the said contention. The third respondent is said to have already initiated action under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. The said initiative shall be taken to its logical conclusion. The third respondent by adhering due process of law shall clear all the private encroachment in the petition mentioned water body. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order. Every possible steps shall be taken to restore the tank to the earlier position consistent with the current reality.



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4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
27.02.2024

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

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Kanyakumari District, Nagercoil.
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- 3.The Assistant Engineer,
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- 4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 5.The Sub Collector,
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7. The President,
Chadayamangalam Village Panchayat,
Chadayamangalam,
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