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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

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

W.P(MD)No.3609 of 2024
and
W.M.P.(MD)No.3557 of 2024

C.Ramakrishnan ... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
At Nagercoil.

2.The Executive Engineer,
Public Works Department,
P.W.D. / W.R.O, Nagercoil,
Kanniyakumari District.

3.The Assistant Executive Engineer,
Public Works Department,
P.W.D. / W.R.O, Nagercoil,
Kanniyakumari District.

4.The Assistant Director,
Town Panchayat,
Collectorate Campus,

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Nagercoil,
Kanniyakumari District.

5.The Executive Officer,
Thiruvattar Special Grade Town Panchayat,
Thiruvattar, Kanniyakumari District.

6.The Tahsildar,
Thiruvattar Taluk,
Kanniyakumari District.

7.Bennila Ramesh ... 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 1 to 6 to forbear the 7th respondent, from laying permanent / concrete road in the irrigation channel comprised in New Survey No.670/5, Thiruvattar Village, Thiruvattar taluk and Kanniyakumari district and by restoring the obliterated sluice situate thereon, and direct the respondents 2 and 3 to properly protect the irrigation channel by acting on the representation dated 23.12.2023 of the petitioner, within a time frame as may be fixed by this Court.

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For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.K.Balasubramani,
Spl. Govt.Pleader for R1 to R4 & R6.
Mr.J.K.Jayaseelan,
Government Advocate for R5.

ORDER

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

2.The petitioner alleges that the decree dated 02.03.2012 made in O.S.No.73 of 2006 on the file of the Principal District Munsif Court, Padmanabhapuram has been breached. If that be so, the petitioner's remedy is before the Executing Court. It is seen that the petitioner has already filed E.P.No.30 of 2013. We are surprised to note that an E.P. filed 11 years ago is still kept pending. The Executing Court is directed to expedite the execution proceedings.

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3.With this direction to the Executing Court, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.J.,) & (B.P.J.,)
20.02.2024

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

To:-

1.The District Collector,
Kanniyakumari District,
At Nagercoil.

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and
B.PUGALENDHI, J.

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