



W.P(MD)No.3889 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.3889 of 2024

G.Nesarajan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Executive Engineer,
Public Works Department,P.W.D/W.R.O,
Tirunelveli,
Tirunelveli District.
- 4.The Assistant Executive Engineer,
Public Works Department,P.W.D/W.R.O,
Valliyoor,
Tirunelveli District.
- 5.The Junior Engineer,
Public Works Department,P.W.D/W.R.O,
Vadakkankulam,



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Radhapuram Taluk,
Tirunelveli District.

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6.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

7.The Block Development Officer,
Village Panchayat,
Radhapuram Panchayat Union,
Radhapuram,
Tirunelveli District.

8.G.Kandaswamy

9.P.Paulpandi Nadar

10.S.Tirumaniammal

11.T.Murugan

12.Narayanan

13.T.Appu @ Kuruswamy

14.N.Sudarsing

15.P.Manikandan

16.Y.Arul

17.T.Soundarapandi

18.M.Gunavathi

19.N.Rajaiah Nadar

20.A.Antony Muthu



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21.P.Pushpam

22.P.Chandran

23.C.Murugan

24.Y.Kumar

25.S.Sakthivel

26.V.Subbiah

27.C.Duraisamy

28.Appu @ Duraisamy

29.S.Gopalakrishnan

30.V.Subbiah

31.Vincymaniarasu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachments made by the respondents 8 to 31 in the Koodankulam Oodai, a water channel, run through the lands comprised in Survey Nos.327/6, 330/2B, 334/1A, 334/1B, 168/2, 169/2, 175/1, 176/2, 177/2, 181/1, 222/1, 223/2, 224/2, 225/2, 227/1, 250/2, 251/2, 256/1, 257/1, 254/2, 298/1, 300/2, 303/3, 304/2, 309/1A, 309/2, 310/1, 312/1, 327/6, 330/2B, 331/1B, 334/1A, 375/1B, 375/3B, 376/1B1B, 376/4B3B, 379/4B, 380/1A2, 380/1B, 380/2B, 383/2, 384/2, 385/2, 386/4, 386/6A, 391/1B, 391/2A2, 392/1B, 394/2A, 395/1B, 396/1A1, 396/1B, 396/3B, 397/1B, 417/2, 430/2, 431/3, 442/4, 444/3, 445/3, 449/3, 452/2, 452/4B, 452/7B, 452/9B1B, 453/2, 465/2, 468, 469/2, 470/2, 470/4, 480/1,



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481/2, 484/3, 532/1, 536/2, 542/2, 544, 545/1, 545/3, 546/1, 546/3, 547/6, 550/2, 552/1, 555/3, 558, 673/2, 675/2, 679, 680/2, 683, 687/1, 727/10, 736/22, 783/2, 784/3, 785/4, 786/15, 794/1, 798/3 at Koodankulam Village, Radhapuram Taluk, Tirunelveli District by considering the complaints / representations of the petitioner dated 15.12.2023 and 14.02.2024 within a time frame as may be fixed by this Court.

For Petitioner : Mr.C.Aravinthan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.7

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner alleges that the private respondents herein have encroached upon the petition mentioned water body. The official instructing the learned Special Government Pleader also *prima facie* confirms the said allegation. Encroachments on water bodies cannot be permitted.



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3.We therefore direct the sixth respondent to issue notices to all the private respondents herein and conduct survey. This exercise of survey shall be completed within a period of two months from the date of receipt of a copy of this order. Once the survey exercise is completed, the exact extent of encroachment can also be duly identified. Thereafter, action for removal of the same will be taken as per law. We direct the official respondents to conclude the exercise of removal of encroachments also within a period of five months thereafter.

4.This writ petition is allowed on these terms. There shall be no order as to costs.

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

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

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