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W.P.(MD)NO.3966 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.3966 of 2023

Geetha Ravi

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District.
2. The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.
3. The Executive Engineer,
Water Resources Department,
Kulasekaram Division,
Seruppaloore, Kanyakumari District.
4. The Taluk Head Surveyor,
Thiruvattar Taluk,
Kanyakumari District.
5. The Inspector of Police(Law & Order),
Kulasekaram police station,
Kanyakumari.
6. B.Radha
7. M.Uma
8. S.Ramesh



9.B.Ramesh Kumar @ Thunguttan

10.V.Sivakumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.2 and 4 to survey the water channel pathway encroachment situated at Thiruvattar Taluk, Thumbacode (B) Village, Kanyakumari District (S. No.367/1) made by the encroachers and consequently direct the respondents Nos.1 to 5 to remove the water channel pathway (S. No.367/1) encroachment made by the encroachers/respondents Nos. 6 to 10 on the basis of petitioner's representation dated 14.02.2023.

For Petitioner : Mr.A.B.Jeeva

For R-1 to R-5 : Mr.K.Balasubramani,
Special Government Pleader.

For R-6 : Mr.K.N.Thambi

For R-9 & R-10 : Mr.G.Cenil

For R-8 : No appearance.

* * *

ORDER

Heard both sides.

2. It is not in dispute that survey No.367/1 is a water body. The petitioner alleges that there are encroachments in respect of the said water body. To remove the same, this writ petition came to be filed.



3. Though in this writ petition there is more than one prayer, we make it clear that the scope of this writ petition is confined to protection of water body alone.

4. The learned Special Government Pleader on instructions states that survey was already conducted and action is being taken to remove the encroachments.

5. We direct the third respondent herein to issue notice to the encroachers and cause removal of the encroachment. This exercise shall be completed by adhering due process of law within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. We further direct that the aforesaid water body shall always be maintained as a water body and no pathway shall be created thereon. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

29th February 2024

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

AND

B.PUGALENDHI, J.

PMU

To:

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WEB COPY



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