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W.P.(MD)NO.19542 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19542 of 2024

Dr.James Rajan,
Treasurer,
Marthandam Kodheswaram Seva Trust,
Kodheswaram Badrakaliamman Temple,
Marthandam, Kanyakumari District.

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Joint Commissioner / Executive Officer,
Kanyakumari District Thirukovilgal,
Sucheendram, Kanyakumari District.
3. The Executive Officer,
Kodheswaram Badrakaliamman Temple,
Marthandam,
Kanyakumari District.
4. The Executive Engineer,
Public Works Department,
Kanyakumari District.
(R-4 is *suo motu* impleaded vide order dated 20.08.2024)

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to desoil the Teppakulam and remove the encroachments in and around the Teppakulam and construct a wall, based on the petitioner's representation dated 09.01.2024.

For Petitioner : Mr.H.Velavadhas
For R-1 & R-4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.
For R-2 : Mr.R.Shankar Ganesh

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ORDER

When the matter was taken up for hearing, it was confirmed at last that the petition-mentioned water-body belongs to the Public Works Department. The fourth respondent has already conducted survey. It is stated that the fourth respondent has already issued notices to all the encroachers.

2. The fourth respondent will adhere to due process of law and ensure that the encroachments are removed. The entire exercise will be completed as expeditiously as possible. Since the water-body happens to



be a “Theppakulam”, the fourth respondent is directed to ensure that it is properly maintained. This writ petition stands allowed accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
24th September 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Joint Commissioner / Executive Officer,
Kanyakumari District Thirukovilgal,
Sucheendram, Kanyakumari District.
3. The Executive Engineer,
Public Works Department,
Kanyakumari District.



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