



W.P(MD)No.2700 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2024

CORAM

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

W.P(MD)No.2700 of 2018

Edwin

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Revenue Divisional Officer,
Thenthiruparai,
Thoothukudi District.

3.The Incharge Officer,
Mookupeeri Panchayat Office,
Thoothukudi District.

4.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

5.S.Jeyakar

... Respondents



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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 4 herein to take appropriate action and to remove the encroachment made by the 5th respondent herein in Kadambarkulam Water Channel in Mookupeeri village passing through the Sy. Nos.11A, 141, 176, 174A, 48, 96, 97A, 91, 90, 69A, 73, 72A, 71A, 50, 50A in Mookupeeri village, Tiruchendur Taluk, Thoothukudi District, on the basis of the petitioner's representation dated 22.10.2018 within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1, R4 & R5.
Mr.M.P.Senthil for R3.

ORDER

The case of the petitioner is that the petition mentioned survey numbers have been classified as water channel and they are encroachments therein and that they should be removed.

2.When the matter was taken up for hearing, the learned Special Government Pleader categorically asserted that all the survey numbers



W.P(MD)No.2700 of 2018

are patta lands and that they are not water bodies. The fifth respondent has filed counter affidavit and also typed set of papers and he has also asserted that S.No.208/3 is a patta land.

3.We are more than satisfied that a case for issuance of any direction has not been made out. The writ petition stands dismissed. No costs.

(G.R.S.J.) & (B.P.J.)
04.07.2024

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

To:-

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
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Thoothukudi District.
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and
B.PUGALENDHI, J.**

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