



1

W.P.(MD)NO.21511 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21511 of 2024

S.Ramesh

... Petitioner

Vs.

1. The District Collector,
Tuticorin District, Tuticorin.
2. The Tahsildar,
Ettayapuram,
Tuticorin District.
3. The Block Development Officer,
(Village Panchayat),
Vilathikulam Panchayat Union,
Tuticorin District.
4. The Panchayat President,
Kalugasapuram Village Panchayat,
Ettayapuram Taluk,
Kovilpatti, Tuticorin District.
5. A.Sundarraaj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 forthwith to remove the encroachments made by the fifth respondent in Kanmoi in S.No.274, Kalugasapuram Village, Ettayapuram Taluk, Kovilpatti, Tuticorin District to its original position.



For Petitioner : Mr.G.Kasinathadurai
For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.
For R-3 & R-4 : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2 and the learned Additional Government Pleader appearing for respondents 3 and 4.

2. Issuance of notice to the fifth respondent is dispensed with.

3. The petitioner states that survey No.274 has been classified as a water-body and that the fifth respondent has committed encroachment thereon.

4. The learned Special Government Pleader confirms that survey No.274 indeed has been classified as a water-body. The second respondent is directed to take cognizance of the petitioner's complaint and issue notice to the fifth respondent. Enquiry shall be conducted by the second respondent. If the enquiry reveals that encroachment has been



committed in the water-body, it shall be removed. Due process of law will be adhered to. Appropriate opportunity will be afforded to the fifth respondent. The entire exercise will be completed within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
10th September 2024

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

To:

1. The District Collector,
Tuticorin District, Tuticorin.
2. The Tahsildar,
Ettayapuram,
Tuticorin District.
3. The Block Development Officer,
(Village Panchayat),
Vilathikulam Panchayat Union,
Tuticorin District.
4. The Panchayat President,
Kalugasapuram Village Panchayat,
Ettayapuram Taluk,
Kovilpatti, Tuticorin District.



WEB COPY



4

W.P.(MD)NO.21511 OF 2024

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

W.P.(MD)No.21511 of 2024

10.09.2024



WEB COPY



5

W.P.(MD)NO.21511 OF 2024