



W.P.(MD)No.8860 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8860 of 2020
and
W.M.P.(MD)No.8120 of 2020

C.Ravi

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The District Revenue Officer,
Collectorate, Nagercoil,
Kanyakumari District.
- 3.The Executive Engineer,
Water Resource Authority P.W.D.,
Pattanamkal Section,
Chidambaram Nagar,
Nagercoil,
Kanyakumari District.
- 4.The Assistant Executive Engineer,
Water Resource Authority,
P.W.D.,
Pattanamkal Section,
Karungal, Kanyakumari District.



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5.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.

6.The Tahsildar,
Killiyoor Taluk,
Tholayavattham Post,
Kanyakumari District.

7.M.Jerjuruthammal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the Respondents No. 1 to 6 to remove the encroachment made by the 7th Respondent and to preserve and strengthen the bunds of Vannankulam Tank comprised in Survey No. 334/7, Keezhkulam A Village, Vilavancode Taluk, Kanyakumari District by building the retention wall under the Self Sufficiency Scheme within the stipulated as fixed by this Court.

For Petitioner :Mr.G.Anto Prince

For Respondents :Mr.S.Vinoth
Government Advocate
for R1 to R6

:Mr.K.N.Thampi
for R7



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ORDER

Heard both sides.

2. The learned counsel for the contesting respondent states that the petitioner is no more. In matters such as this, the demise of the writ petitioner will not lead to automatic abatement of the writ proceedings. The case projected in the writ petition is that Survey No.334/7, Keezhkulam Village is a water body and that it has been encroached upon by the seventh respondent. To remove the encroachment, this writ petition has been filed.

3. When the matter was taken up for hearing, the learned counsel for the seventh respondent drew our attention to the order dated 03.09.2019 made in W.P.(MD)No.19129 of 2019 filed by the seventh respondent herein.

Paragraph Nos.7 & 8 of the said order reads as follows:-

“7. Though the Public Works Department is not a party to the suit, unfortunately, the head of the Revenue Administration viz., the District Collector is a party to the suit. Therefore, the respondents cannot ignore the decree. However, it is to be seen whether the petitioner is in possession of the land, which is subject matter of the suit. Further, patta Nos.7592 and 6519



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have been issued in favour of the petitioner. The above said facts are stated by the petitioner in the representation dated 22.08.2019. Since the representation has not been considered and fearing action by the authorities, the petitioner has rushed to the Court.

8. Normally, this Court would not have entertained the Writ Petition because sufficient time has not been granted to the authorities to act upon the representation, which is dated 22.08.2019. However, considering the facts and circumstances of the case, we direct the respondents 4 to 6 to issue notice to the petitioner for conducting Survey of the area and after notice, the respondents 4 to 6 shall clearly demarcate the Government property and proceed further in accordance with law. We further, direct the petitioner to extend full co-operation during the course of Survey. The above direction shall be carried out within two weeks from the date of receipt of a copy of this order.”

4. In view of the direction earlier given by the co-ordinate Division Bench, we direct the sixth respondent to conduct survey after giving notice to all the interested persons including the seventh respondent. Survey will be conducted with reference to the revenue records. It will indicate the measurement and dimension of the water body also. If the survey results indicate that the seventh respondent has committed encroachment, the encroachment shall be cleared. Removal of encroachment of whatever nature



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shall be completed within a period of four weeks from the date of receipt of a
copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
10.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

- 1.The District Collector,
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- 3.The Executive Engineer,
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4. The Assistant Executive Engineer,
Water Resource Authority,
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Karungal, Kanyakumari District.

5. The Revenue Divisional Officer,
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