



W.P.(MD)No.13148 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.03.2025

CORAM

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

W.P(MD)No.13148 of 2019

and

W.M.P.(MD)No.9788 of 2019

P.N.K.Perumal

... Petitioner

Vs.

**1.The District Collector,
Tirunelveli District,
Tirunelveli.**

**2.The Tahsildar,
Tenkasi,
Tirunelveli District.**

**3.The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.**

4.Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the channel and restore the channel in original position at Survey No.878/2A2, 878/2A1, 878/2B correlated to T.S.No.278 in Tenkasi Village, Tenkasi Taluk, Tirunelveli District.



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For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader
for R1 & R2

: Mr.P.Athimoola Pandian
for R3
Mr.D.Srinivasa Raghavan
for R4.

ORDER

Heard both sides.

2. The petitioner alleges that the fourth respondent had committed encroachment on the petition mentioned channel flowing through the fourth respondent's patta land.

3. When the matter was taken up for hearing, the learned counsel appearing for the fourth respondent made a categorical statement that the channel is continuously flowing and that no encroachment has been committed. In other words, the fourth respondent has not blocked the free flow of water through the said channel.



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4. We record the said stand. We direct the fourth respondent to ensure that the said position that is obtaining now is maintained for all times to come. The Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
24.03.2025

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

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tenkasi,
Tirunelveli District.



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