



W.P.(MD)No.14679 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.06.2025

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

W.P(MD)No.14679 of 2019

S.Mahadevan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru River Basin,
Nagercoil,
Kanyakumari District.

3.The Assistant Executive Engineer,
Water Resource Organization /
Public Works Department,
Palaiyaru River Sub Basin,
Nagercoil,
Kanyakumari District.

4.The Assistant Engineer,
Water Resource Organization,
Public Works Department,
Bhoothapandi,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of eviction passed by the fourth respondent herein in his proceedings in கடித.எண்.கோ.141/496/2019, dated 20.06.2019, which was received by the petitioner on 25.06.2019 and quash the same as illegal and further, direct the respondents 3 & 4 herein to follow the provision of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 within a stipulated time.

For Petitioner :Mr.D.Nallathambi

For Respondents :Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

Heard both sides.

2. It is not in dispute that Survey No.340/1, Thiruppathisaram Village has been classified as water body. According to the writ petitioner, he has put up a residence in Survey No.334.

3. We direct the third respondent to take assistance of the revenue officials and conduct survey in the presence of the writ petitioner. The entire proceedings will be duly videographed. If it is confirmed that the petitioner has even marginally encroached in Survey No.340/1, the petitioner shall remove the same on his own. Till such survey exercise is conducted, the impugned



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eviction notice shall be put on hold. The entire exercise shall be completed

within a period of two months from the date of receipt of a copy of this order.

The impugned eviction notice will abide by the outcome of the said survey exercise. The writ petition is disposed of accordingly. No costs.

[G.R.S., J.] [B.P., J.]
19.06.2025

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

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Kothaiyaru River Basin,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Executive Engineer,
Water Resource Organization /
Public Works Department,
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