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W.P.(MD)NO.15370 OF 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 11.03.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.15370 of 2021**

Chelladurai

... Petitioner

Vs.

1. The District Collector,  
Tuticorin District, Tuticorin.

2. The Tahsildar,  
Srivaikundam Taluk, Tuticorin District.

3. The Assistant Executive Engineer,  
Public Works Department(PWD),  
O/o.the Public Works Department(PWD),  
Srivaikundam Taluk,  
Tuticorin District.

4. The Executive Officer,  
Srivaikundam Selection Grade Panchayat,  
Srivaikundam Taluk,  
Tuticorin District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachments of the canal/waterway of Srivaikundam Kasp pond in Survey Nos.228, 604/1, 721/1 and 238 and consequently direct them to stop the mixing of sewerage



released by domestics of Srivaikundam and to remove the encroachments made on the canal/waterway of Srivaikundam Kaspapond and consequently direct them to desilt the waterway / canal of Srivaikundam Kaspapond by considering petitioner's representations dated 26.08.2019 and 13.08.2021.

For Petitioner : Mr.V.Angusamy

For Respondents : Ms.P.B.Ahamed Yasmin Parvin,  
Government Advocate.

\* \* \*

### **ORDER**

Heard both sides.

2. The petitioner is a resident of Srivaikundam. His complaint is two fold. He alleges that in the petition-mentioned canal which runs through the petition-mentioned survey numbers, there are encroachments. He also states that the residents are letting out sewage water into the canal. The petitioner is now said to be no more. But then, it is well settled that PILs don't abate on account of the demise of the petitioner. The petitioner after filing PIL, cannot even withdraw the same.

3. Be that as it may, this Court had appointed an Advocate Commissioner to file a detailed report. The photographs enclosed along with the report presents a sorry picture. It is not in dispute that



there are encroachments. According to the learned counsel, there are as many as four encroachers.

4. We are satisfied that from a reading of the Advocate Commissioner's report, *prima facie* case of encroachment has been made out. We direct the respondents to conduct survey in respect of the petition-mentioned lands. This shall be done by the respondents within a period of two months from the date of receipt of a copy of this order. If the result of the survey indicates the existence of encroachment, they shall be removed by adhering to due process of law. The encroachments shall be removed within a period of four months, thereafter. The respondents are directed to ensure that the water body is restored to its original condition. The respondents would further ensure that no such water is let out into the irrigation channel. This writ petition stands allowed. No costs.

**(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)**  
**11<sup>th</sup> March 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**G.R.SWAMINATHAN, J.**

**AND**

**B.PUGALENDHI, J.**

PMU

**To:**

1. The District Collector,  
Tuticorin District,  
Tuticorin.
2. The Tahsildar,  
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