



*W.P.(MD)No.19097 of 2022*

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

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DATED: 04.12.2025

CORAM

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

W.P(MD)No.19097 of 2022

F.Sambath

... Petitioner

Vs.

- 1.The District Collector,  
O/o District Collectorate,  
Kanyakumari District.
- 2.The Revenue Divisional Officer,  
O/o.Revenue Divisional Office,  
Nagercoil.
- 3.The Tahsildar,  
Agasteeswaram Taluk,  
Kanyakumari District.
- 4.The Executive Engineer,  
Water Resource Organization (PWD),  
Kothaiyaru Basin Division,  
Nagercoil,  
Kanyakumari District.
- 5.Eswari
- 6.Jayanthi
- 7.Murugan

1/5



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8.Annadurai

... Respondents

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**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents no.1 to 4 to remove the illegal encroachments made by the respondent no.5 to 8 in water channel situated in S.No.13/1, situated at Vadaseri Village, Agasteeswaram tk and Kanyakumari Dt within the time frame stipulated by this Court.

For Petitioner :Mr.S.Rajasekar

For Respondents :Mr.C.Venkatesh Kumar  
Special Government Pleader  
for R1 to R4

: No appearance  
for R5 to R8

### **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4. Issuance of notice to R5 to R8 is dispensed with.

2. The petitioner is a resident of Peruvizhai in Kanyakumari District. He alleges that in the petition mentioned water channel, there are encroachments. He wants the same to be removed.



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3. When the matter was taken up for hearing, the learned Special Government Pleader submitted that Form I notice had already been issued on 04.11.2025. We note that this writ petition was filed way back in 2022. Since the writ petition had been listed, probably to avoid any adverse observations, the authorities have issued Form I notice. The learned Special Government Pleader states that consequential steps will be taken.

4. In this view of the matter, we direct the third respondent to conduct survey. Notice shall be given to all the interested persons & encroachers before conducting survey. If the survey results indicate that there are encroachments in the water body, the same shall be removed. All the encroachers shall not only be put on notice but also given due opportunity. All the encroachments shall be cleared within a period of six months from the date of receipt of a copy of this order.

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

**[G.R.S., J.]      [B.P., J.]**  
**04.12.2025**

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

and

**B.PUGALENDHI, J.**

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