



W.P(MD)No.18474 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18474 of 2025

and

W.M.P(MD)No.14172 of 2025

Madhan

... Petitioner

Vs

1. The District Collector,
Kanyakumari District
at Nagercoil.
2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanniyakumari District.
3. The Tahsildar,
Vilavancode Taluk,
Kanniyakumari District.
4. The Assistant Engineer,
Water Resources Department,
Thirparappu Section, Seruppalur,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, Mandamus, directing the respondents to stop the illegal excavation of soil from Nedunkulam situated in Re.Sy. No.169 of Vellancode Village.



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For Petitioner : Mr.A.Balakrishnan
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

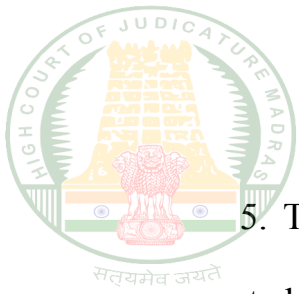
ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to stop the illegal excavation of soil from Nedunkulam situated in Re.Sy. No.169 of Vellancode Village.

2. The learned Counsel for the petitioner submitted that in Kanniyakumari District, the respondents are allowing excavation of soil near the petitioner's house, where around 20 other houses are also located .

3. The learned Government Advocate appearing for the respondents submitted that the petitioner is also discharging the drainage water into the lake and creating environmental pollution.

4. The petitioner has enclosed the photographs. On perusing the same, it is seen that if further excavation is carried out, all the nearby houses would be damaged.



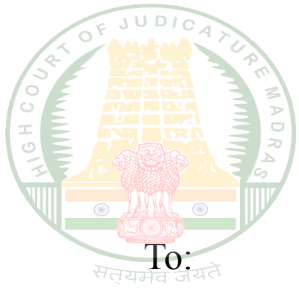
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5. Therefore, this Court is of the considered opinion that soil cannot be excavated indiscriminately without any guidelines. In fact, the District Collector has already issued certain conditions for excavating the soil. Without adhering to the said conditions, the farmers, under the guidance of the fourth respondent, are excavating the soil, thereby causing damage to the petitioner's house . Therefore, this Court is strictly directing the District Collector / first respondent to look into the matter and stop the excavation of soil. In case, if the petitioner's house is damaged, then appropriate compensation ought to be awarded to them. In order to avoid the same, the District Collector / first respondent is strictly directed to restore the soil. The petitioner is also strictly directed to either install septic tank or adopt any other mode of system to discharge the drainage water. The petitioner cannot discharge the drainage water directly into the lake, as it would lead to pollution.

6. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
jbr



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To:

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at Nagercoil.
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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.18474 of 2025

DATED : 08.07.2025