



W.P(MD)No.23237 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.07.2025

CORAM

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

**W.P(MD)No.23237 of 2019
and
W.M.P(MD)No.19959 of 2019**

St.Xaviers College of Engineering,
Represented through its Correspondent,
Chunkankadai,
Nagercoil – 629 003,
Kanyakumari District.

... Petitioner

Vs.

1.The Assistant Engineer,
WRO, Public Works Department Irrigation,
Nagercoil,
Kanyakumari District.

2.The District Collector,
Kanyakumari District.

...Respondents

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 Notice in Ka.No.Ko.12/631/2019 dated 27.09.2019 on the file of the first respondent and quash the same and further directing the respondents to permit



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the Petitioner to maintain the pathway along the Chettikonam Kulam situated in Alloor B Village, Kalkulam Taluk, Kanyakumari District for the common use.

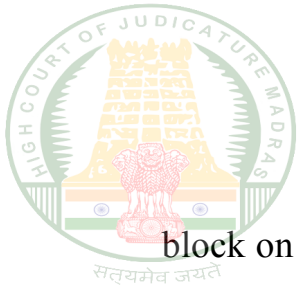
For Petitioner : Mr.G.PRabhu Rajadurai
For Respondents : Mr.Ajmal Khan
Additional Advocate General
Assisted by
Mr.A.Kannan
Additional Government Pleader

ORDER

Heard both sides.

2.The writ petitioner is an educational institution. They challenge the notice dated 27.09.2019 issued by the first respondent calling upon them to remove the encroachment committed by them in Survey No.93 of Kalkulam Taluk to the extend close to 7 cents.

3.Without going into the merits of the matter, we direct the respondents to conduct fresh survey in the presence of the petitioner. Based on the results of the survey, any encroachment found to have been committed by the petitioner shall be cleared. It appears that on a portion of the water body, the petitioner has laid paver block. It is for the petitioner to remove the paver



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block on their own. If the petitioner fails to do so, the respondents will remove the same and cost will be recovered from the petitioner. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4.This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
10.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The Assistant Engineer,
WRO, Public Works Department Irrigation,
Nagercoil,
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and

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