



W.P(MD)No.30850 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2025

CORAM

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

W.P(MD)No.30850 of 2025

L.Vinayagam

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
Kallidaikurichi Union,
Tirunelveli District.
- 4.The Assistant Engineer,
Water Resources Department,
Manimuthar Division,
Tirunelveli District.
- 5.The Assistant Engineer,
Public Works Department,
Ambasamudram Division,
Tirunelveli.



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6.Pasungili

7.Chellappa

8.Mookammal

9.Samynathan

10.Ramachandran

11.Agesthiyan

12.Muthukutti

13.Prabakaran

14.Kandhasamy

15.Kanagaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment in S.No.113, situated on the eastern side of the Pappankulam - Pottal Main Road, Pappankulam Village, Ambasamudram Taluk, Tirunelveli District and restore the width of the Channel as per the FMB and to demarcate the boundaries by erecting permanent boundary wall to prevent future encroachment based on petitioner's representation dated 20.03.2025 within the time fixed by this Court.

For Petitioner : Mr.S.Packiya Muthu

For Respondents : Mr.R.Raghavendran
Government Advocate
for R.1, R.2, R.4 & R.5



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Mr.S.Vinodh
Government Advocate
for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the official respondents. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The writ petitioner is a resident of Kallidaikurichi. He alleges that the petition mentioned channel has been encroached by the private respondents. The private respondents are said to be cultivating portions of the channel. As a result, the width of the channel has been reduced considerably. These allegations are confirmed by the official respondents. Copy of the village record of the village Pappankulam indicates that Survey No.113 has been shown as “Vaikal”. Preliminary survey held by the authorities has revealed that as many as 5 persons have committed encroachments. Action is proposed to be taken under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. The fourth respondent is the authority competent to remove the encroachments in question.



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3.We direct the fourth respondent to adhere to the procedure set out in the aforesaid statute and remove the encroachments within a period of four months from the date of receipt of a copy of this order.

4.It appears that the planting season is about to commence. The authorities shall ensure that no seedlings are not planted in the channel in question. The original width of the channel shall also be restored. However, while carrying out the aforesaid directions, the authorities shall strictly comply with the due process of law. Notices shall be issued to all the encroachers and they shall be given due opportunity of hearing. By adopting due process, the encroachment shall be removed.

5.This Writ Petition is allowed accordingly. No costs.

[G.R.S., J.] [B.P., J.]
06.11.2025

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



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To

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and

B.PUGALENDHI, J.

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