



WEB COPY



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W.P.(MD)NO.35133 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.35133 of 2025

S.Parthasarathi

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District.
2. The Assistant Engineer,
Water Resource Department,
Irrigation Section,
Nagercoil.
3. The Assistant Executive Engineer,
Pazhayar Basin Sub Division,
Nagercoil.
4. The Tahsildar,
Agastheeswaram,
Kanyakumari District.
5. The Inspector of Police,
Ettamozhi police station,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the



Constitution of India, issuing a Writ of Mandamus, directing the respondents to remove the encroachment made in and over Athikadai branch channel, at survey No.385, 381, 584 and 585 situated at road leading between Pilavilai to Mangavilai.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R-1 to R-4.

Mr.K.Gnanasekaran,
Government Advocate for R-5.

* * *

ORDER

Heard both sides.

2. The writ petitioner is a resident of Rajakkamangalam in Agastheeswaram Village. His allegation is that there are encroachments in Athikadai branch channel in the petition-mentioned survey numbers.

3. The character of the survey numbers are not in dispute. A copy of 'A' Register extract of Dharmapuram South Revenue Village



has been produced before us. It is seen therefrom that the petition-mentioned survey numbers have been classified either as “Kalvai” or “Odai”.

4. The learned Additional Government Pleader on instructions stated that survey had already been conducted. It is also submitted that notices were issued to all the interested parties. Based on the outcome of survey, steps will be taken to remove the encroachments that have been noticed.

5. We direct the second respondent to take action as per law. Notices will be issued once again to all the encroachers. The encroachers will be given fair and due opportunity to put forth their cases. If the authorities come to the conclusion that water body has been encroached, then the encroachments shall be removed within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of on these terms. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
11th December 2025

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

PMU

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To:

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