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W.P.(MD)NO.35159 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.35159 of 2025

A.Wins Anto,
Chairman,
Project Committee,
Kodayar Basin Irrigation System,
Water Resources Department,
Nagercoil.

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Executive Engineer,
Kodayar Basin Division,
Water Resources Department,
Nagercoil.
3. The Assistant Engineer,
Irrigation Section(Special),
Water Resources Department,
Thuckalay,
Kanyakumari District.
4. The Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.



5. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

6. Jestin Rabi

7. Vijila

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments in Muthaarunni canal comprised in R.S.No.258/3 of Mandaikadu Village, Kalkulam Taluk, Kanyakumari District made by respondents 6 and 7 pursuant to Form-1, Form-II and Form-III notices issued under Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and further direct the fifth respondent to afford sufficient police protection to remove the above encroachments.

For Petitioner : Mr.C.T.Perumal

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 the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 4 and the learned Government Advocate appearing for the fifth respondent.



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2. Issuance of notice to the private respondents is dispensed with.

3. The writ petitioner's only prayer is that the fifth respondent must offer sufficient police protection and that the third respondent has to remove the encroachments in the petition-mentioned survey number pursuant to Form-III notices that have already been issued under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

4. It is seen that Form-III notices were issued as early as on 15.02.2024. We are now in December 2025. For close to two years, the authorities have not enforced their own order. This is a sorry state of affairs. When the encroachment in a water body has been noticed and the order has been passed for clearing the encroachment, the authorities are obliged to take further steps in ensuring that all the encroachments are cleared.

5. We direct the third respondent forthwith to ensure that all the encroachments are cleared pursuant to the Form-III notices that



were already issued. The fifth respondent is directed to offer police protection to remove all the encroachments. This exercise will be completed within a period of four weeks from the date of receipt of a copy of this order. This writ petition stands allowed accordingly. No costs.

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

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To:

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