



W.P(MD)No.10043 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.10043 of 2026
and
W.M.P(MD)No.7896 of 2026**

S.Alphonsal

... Petitioner

vs.

**1.The District Collector,
Collectorate,
At Nagercoil,
Kanyakumari District.**

**2.The Sub Collector,
Padmanabhapuram Revenue Sub-Division,
Thuckalay,
Kanyakumari District.**

**3.The Commissioner,
Colachel Municipality,
Colachel, Kanyakumari District.**



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4.The Tahsildar,
Kalkulam Taluk, Kalkulam,
Kanyakumari District.

5.Jegan Kalins

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st to 4th respondents to reclassify the property in Sy.No.10263 of Colachel 'A' village as 'River channel Poromboke' and remove the encroachment made on the water-body considering the representation of the public dated 19.03.2026 within time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.J.Ashok (R1, R2 & R4)
Additional Government Pleader

: Mr.P.Athimoola Pandian (R3)

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to the respondents 1 to 4 to reclassify the property in Survey No.

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10263 of Colachel ‘A’ Village as “River Channel Poromboke” and to remove the encroachment made on the said water body, by considering the petitioner’s representation dated 19.03.2026.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Mr.J.Ashok, learned Additional Government Pleader, accepts notice for the respondents 1, 2, and 4, and Mr.P.Athimoola Pandian, learned counsel, accepts notice for the third respondent. Considering the limited relief sought for by the petitioner, notice to the fifth respondent is dispensed with.

4.It is the contention of the petitioner that the only access to the Colachel–Simon Colony Road for the local residents is through a recently laid municipal interlocking road known as “Vaikaal Road,” which has been in use from time immemorial and runs alongside the perennial waterbody



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known as “Pampoori Vaikaal.” During the rainy season, the area gets flooded and the water flows through this channel into the sea.

5.It is further alleged that the fifth respondent, without any lawful right, has created a settlement deed and is attempting to trespass into the property in Old Survey No.10263 (now Re-Survey No. MI/10), over which he has no valid claim. The petitioner also alleges that the fifth respondent has damaged the concrete road laid by the Municipality and disrupted the water supply connections to two houses. Despite the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 being attracted, the police have not taken any action. A representation dated 19.03.2026 was submitted to the authorities; however, no action has been taken till date, which has constrained the petitioner to file the present Writ Petition.

6.The learned counsel appearing for the official respondents, on instructions, submitted that the petitioner’s representation dated 19.03.2026



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would be considered and that the authorities concerned would conduct a survey of the land in question in the presence of all the parties concerned. He further submitted that appropriate action would be taken to remove the encroachment, if any.

7.In such view of the matter, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner dated 19.03.2026 and conduct a survey in the place in question, after issuing notice to the petitioner, the fifth respondent and all other parties concerned, if any, within a period of two weeks from the date of receipt of a copy of this order. If the survey reveals any encroachment, the authorities concerned shall take necessary action for the removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of three months thereafter.

8.With the above directions, this Writ Petition stands disposed



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of. No costs. Consequently, the connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
10.04.2026

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

To

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and
M.JOTHIRAMAN, J.

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