

W.P(MD)No.3211 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.02.2026

CORAM

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

**W.P(MD)No.3211 of 2026
and
W.M.P(MD)No.2644 of 2026**

Subbiah

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Assistant Director,
Town Panchayat,
Nagercoil,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 4.The Thashildar,
Thovalai Taluk,
Boothapandi,
Kanyakumari District.



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5.The Executive Officer,
Aaralvaimozhi Town Panchayat,
Nagercoil, Kanyakumari District.

6.Sakthivel

7.Chandramohan @ Raja

8. Selvamani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, seeking a direction directing the 1 to 5th respondents to remove the illegal encroachment made by the 6th to 8th respondents in Survey No.734/1 and 734/2 earmarked and reserved for public park and transferred in the name of the 5th respondent vide document No.688/2006 on the file of the Sub Registrar, Thovalai and a land classified as a Odai in survey No.733 in Aralvaimozhi Town Panchayat, Thovalai, Kanyakumari District by considering the petitioner's representation dated 19.01.2026.

For Petitioner : Mr.S.Vishnuvardhan

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader
for R.1 to R.4

Mr.S.Vinodh
Government Advocate
for R.5

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and



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the learned Government Advocate appearing for the fifth respondent.

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Considering the nature of relief to be granted, issuance of notice to the respondents 6 to 8 is dispensed with.

2.The learned counsel appearing for the petitioner makes it clear that the scope of the writ petition can be confined only to Survey No.733 alone. Liberty is given to the petitioner to work out his rights independently in respect of the other survey numbers included in the writ prayer.

3.The learned Special Government Pleader concedes that Survey No. 733 has been classified as “water body”.

4.We direct the fourth respondent to conduct survey after issuing notices to all the encroachers / interested parties including the private respondents herein. Survey exercise shall be done within a period of two months from the date of receipt of a copy of this order. If encroachments are noticed, the fifth respondent shall remove the encroachments as per the provisions of Tamil Nadu Urban Local Bodies Act, 1998. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order.



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5.This Writ Petition is disposed of accordingly. No costs.

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Consequently, connected miscellaneous petition is closed.

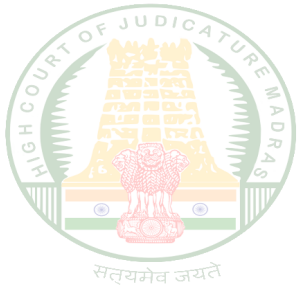
[G.R.S., J.] [B.P., J.]

05.02.2026

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

To

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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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