



W.P.(MD)No.2558 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.07.2023

CORAM

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

W.P(MD)No.2558 of 2023

P.Gurusamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District,
Virudhunagar.

3.The Assistant Executive Engineer,
Public Works Department,
Aruppukottai,
Virudhunagar District.

4.The Assistant Superintendent of Police,
Aruppukottai Sub Division,
Virudhunagar District.

5.M.Tamil Mohan

6.Thiruvullam

... Respondents



W.P.(MD)No.2558 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments made in Kalkulam Oorani comprised in S.No.234, Kovilankulam Village, Aruppukottai Taluk, Virudhunagar District and further, direct the respondents 1 to 3 to restore the kalkulam oorani.

For Petitioners : Mr.R.Murali

For Respondents : Mr.K.Balasubramani,
Special Government Pleader for R1 to R4

: Mr.B.Saravanan
Senior Counsel
for Mr.B.Vinoth Kmar for R5 & R6

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and the learned senior counsel appearing for the contesting private respondents.

2. The petitioner wants this Court to direct the authorities to remove the encroachment said to have been made in kalkulam Oorani in Survey No. 234, Kovilankulam Village, Aruppukottai Taluk, Virudhunagar District. He wants the original position to be restored. Notice was ordered. Counter affidavits have been filed by the official respondents as well as the private



W.P.(MD)No.2558 of 2023

respondents. It is seen therefrom that Survey No.234 was originally classified as water body (known as kalkulam oorani). However, in the year 1978, 28 cents was earmarked and classified as Adidraavidar Paraiyar kalam. A part of 'kulam' became 'kalam'. The order re-classifying the land as kalam has not been assailed. Since this development had taken place more than 45 years ago, we will not be justified in interfering at this point of time. From the affidavit filed by the District Collector, it is seen that fencing of the kalam by the persons belonging to one community had given rise to the current issue. The learned senior counsel appearing for the private respondents states that if any fence had been put up, the same will be removed. It is further undertaken by the private respondents that no further developmental activities will take place in the water body. The authorities are directed to ensure that the position that originally obtained immediately after re-classification is retained as such. Steps will also be taken by the district administration to restore the original condition of the water body subject to the aforesaid reclassification.

3. The Writ Petition is disposed of accordingly. No costs.

[G.R.S., J.] [B.P., J.]
05.07.2023

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



W.P.(MD)No.2558 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District,
Virudhunagar.
- 3.The Assistant Executive Engineer,
Public Works Department,
Aruppukottai,
Virudhunagar District.
- 4.The Assistant Superintendent of Police,
Aruppukottai Sub Division,
Virudhunagar District.

W.P(MD)No.2558 of 2023

05.07.2023