



W.P(MD)No.10406 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2023

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

W.P(MD)No.10406 of 2015

R.Munyasamy

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanthapuram District.
- 2.The Project Director,
District Panjayath Development Office,
Ramanathapuram,
Ramanathapuram District.
- 3.The Block Development Officer,
Village Panjayath,
Ramanathapuram,
Ramanathapuram District.
- 4.The Panchayath President,
R.S.Madai Panchayath,
Ramanathapuram Taluk & District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to remove the computer service room under construction in bearing survey No.112/2 (Oodai purampokku) and to protect and improve the natural environment.



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For Petitioner : Mr.J.M.Hassanul Bazari

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: No appearance for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner has alleged that the local body has put up a computer service room in the petition mentioned survey number which has been classified as 'odai poromboke'.

3. When the matter was taken up for hearing, it has been conceded by the respondents that Survey No.112/2, Rajasuyamadai has been classified as Odai Poromboke and that construction put up in the said survey number has since been demolished.

4. We direct the respondents to maintain the water body free of any encroachment hereafter. At the same time, the issue cannot be left at that.



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It is not known as to how the water body was chosen as a place for putting up the construction. We direct the respondents to identify the officers / government employees responsible for choosing the site. Since substantial sum of money has been incurred for putting up the construction, the said amount shall also be recovered from them. While doing so, the respondents will adhere to due process of law. In other words, proper notice shall be served on the employees concerned before passing the final order.

5. The Writ Petition is allowed on these terms. No costs.

[G.R.S., J.] [B.P., J.]
18.07.2023

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

To

- 1.The District Collector,
Ramanathapuram,
Ramanthapuram District.
- 2.The Project Director,
District Panjayath Development Office,
Ramanathapuram,
Ramanathapuram District.

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3.The Block Development Officer,
Village Panjayath,
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