

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26-02-2026****CORAM****THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN****AND****THE HONOURABLE MR JUSTICE B.PUGALENDHI****WP(MD) NO. 3701 of 2026**

Theeran Thirumurugan @ Thirumurugan
S/o. Ganeshan R.S.Mangalam via
Uppur post Thiruvadanai Taluk
Ramanathapuram District.

... Petitioner

Vs

- 1.State of Tamil Nadu Represented by
The Principal Secretary,
Public Works Department,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai-600 009.
2. State of Tamil Nadu represented by
The Principal Secretary,
Department of Municipal Administration and Water Body,
Fort St. George, Secretariat,
Chennai-600 009.
3. The Engineer in Chief (Water Resources Organisation)
Public Works Department,
Chepauk, Chennai – 600 005.



4. The District Collector,
Office of the District Collector,
Madurai District.

5. The Assistant Director (Panchayat),
Madurai District,
Madurai.

6. The Chief Engineer,
Public Works Department,
Water Resources Organisation,
Madurai Region,
Thallakulam,
Madurai-625 002.

7. The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Periyar Vaigai Basin Circle,
Madurai Region.
Madurai-625 002.

8. The Executive Engineer,
Public Works Department,
Irrigation Section No.II,
Periyar Vaigai Basin Sub Division No.1,
Madurai-625 002.

9. The Tahsildar,
Office of the Tahsildar,
Madurai East Taluk,
Madurai.

10. The Block Development Officer,
Office of the Block Development Officer,
Madurai East Panchayat Union,
Race Course Road,
Madurai.

... Respondents 2 to 10/Respondents 1 to



Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to construct the walking pathway around Rajagambeeram Kanmoi strictly along its full perimeter without intersecting or dividing the pond area, consequently ensure, uninterrupted water flow from the Periyar Irrigation Canal and maintaining the water body's original extent as per the revenue records on the basis of petitioner's representation dated 31.01.2026 in accordance with law within a stipulated time that may be fixed by this Court.

For Petitioner(s) : Dr.R.Alagumani

For Respondent(s): Mr.Ajmal Khan,
Additional Advocate General,
assisted by Mr.S.Shanmugavel,
Additional Government Pleader for R10

Mr.G.V.Vairam Santhosh,
Additional Government Pleader for R1 To R9

ORDER

Rajagambeeram Kanmoi located in Y.Othakadai, Madurai, as its very name suggests, must have been a majestic water body. It measured an extent of 27.30 acres. A part of the tank on the southern side was taken over and obliterated for laying a highway. The tank catered to the irrigational requirements of the agricultural fields that



were in the vicinity. Due to urbanization, the agricultural fields got

converted into housing plots. As on date, the Kanmoi has no ayacut.

The tank had two inlets. One was a feeding channel branching out from Mullai Periyar Canal and it was on the western side. The other was in the north eastern side of the tank. Its catchment area was the foothills of Yanaimalai. There was a natural channel from the foothills leading to the tank. Both the inlets are not to be seen on the ground. Either they had been encroached and obliterated or got silted. The kanmoi lost the character of a water body and became a cesspool. It also became a garbage dumping site. The drainage and sewage water from the nearby residences as well as commercial establishments were let into the kanmoi. WP(MD)Nos.2760 of 2019 and 25304 of 2022 were filed to stop these polluting activities. They were disposed of by us on 23.05.2025 with a direction to the authorities to take remedial action.

2.Tenders were invited on 30.09.2025 for carrying out improvement works for the water body. One Visaga Associates was selected as the successful bidder on 23.10.2025. Work order was issued on 25.10.2025. 60% of the works have since been completed. At this stage, this writ petition came to be filed. The writ petitioner alleged that a pathway is being constructed dividing the pond area into two. Taking note of the



said submission, we passed an interim order restraining the authorities from laying any pathway across the water body. To vacate the said order, the jurisdictional Block Development Officer has filed WMP(MD)No.4090 of 2026.

3.We heard the learned counsel for the writ petitioner and the learned Additional Advocate General for the State. In fact, we visited the spot also and interacted with the public. Two facts are beyond dispute. Water ceased to be stored in the kanmoi for more than 40 years. On the other hand, it rather became a cesspool. Secondly, a pathway had been in existence for more than 15 years for the use of the local public. It is not as if, for the first time, a road is being laid across the water body.

4.The Hon'ble Supreme Court has been reminding the authorities that it is their duty to restore the water bodies to their original condition. The authorities have rightly taken up the task of carrying out the improvement works for Rajagambeeram tank. It is a multi-crore project. The focus is more on widening the existing intersecting pathway and laying a walk area. In our view, this cannot be the priority work. The first task must be to identify the feeding sources and restore



the inlets along with cleaning up of the tank. If there are encroachments, they must be cleared. Even if houses have come up, they may have to be demolished. The length of time is irrelevant when it comes to encroachment of water bodies. Even if pattas have been granted, they have to be cancelled. Of course, before taking such action, proper survey must be conducted. The persons affected have to be put on notice. The District Collector, Madurai is directed to take up this as the primary task to be carried out. We hope that within the next nine months, the feeding sources that originally existed would stand restored. It is an unpopular task more so during election time. But officials ought to be indifferent to the political fortunes of parties. The task of restoration has to be taken up on a war footing basis.

5. Since a pathway was already in existence and it is not being laid for the first time, we do not want to pass a blanket restraint order. We call upon the counsel to accurately and fairly present the facts while pressing for interim relief at the admission stage. Had we known that a paver block road was already in existence, we would not have passed an injunction order. The purpose of granting an interim order is to maintain the status quo. When we visited the spot last week, we found a flow of traffic on this pathway. However, we noticed that the existing



pathway is being considerably widened. The very formation of pathway

probably by the public themselves two decades ago was itself illegal.

This illegality cannot be worsened by widening it. We, therefore, direct the respondents to confine the width of the path way to 15 feet and not more. Crash barriers shall be erected on either side to ensure safety of the users. The width of the tank at this spot is 67 meters. Three culverts spanning 6.0 meters shall be installed underneath the pathway so that the integrity of the water body is maintained and water flows from north-south.

6.The authorities have to ensure that not even a drop of drainage or sewage water falls into the kanmoi. The residents have to be suitably sensitized in this regard. All the residents in the vicinity must ensure that sewage (black water) does not get mixed with sullage (grey water). All the houses and the commercial establishments in the vicinity must have a proper sewage disposal mechanism. The officials of the local body have to carry out individual verification in this regard. Violators shall be suitably penalised. The local body is authorised to collect spot fines from the erring individuals and entities by applying “polluter pays principle”.



7.The authorities claim that they would bring water from Mullai

Periyar-Vaigai channel through pipes. Water flowing into a tank must be through a channel so that there is percolation enroute. It should also be exposed to sunlight. But due to poor civic sense of the people, bringing water through pipes will help avoid contamination and the tank will receive clean water.

8.As already mentioned, the tank was fed from two sources. One source from Mullai – Periyar Vaigai branch channel is to be restored shortly. Likewise, the other source from the foothills of Yanaimalai should also be restored. An ambitious proposal to integrate the entire rain water falling on Yanaimalai hills at a single point and to reach the same to the tank through conduits is under consideration. We direct the Rural Development officials to fine tune the above proposal and implement the same as expeditiously as possible. In other words, the Rajagambeeram Kanmoi should receive water in the same measure as it originally did.

9.The respondents have already provided for channelising the grey water generated from the houses and establishments in the vicinity into a collection tank. It is a part of Sewage Treatment Plant. Since



the proposed STP cannot treat black water, foolproof measures must be adopted to ensure that black water does not mix with grey water.

The measures can range from prosecution to cutting of water supply to the erring individual and entities. The STP is to be established by adopting Moving Bed Bio Film-Reactor (MBBR) technology. We do not know if this is the latest one. Proof of the pudding is in the eating. The treated water must be capable of use. If the water quality does not show much of difference before and after treatment, the model has to be treated as a failure. We direct the Pollution Control Board to keep an effective watch on the functioning of STP. It is stated that a lab will also be built as a part of STP. Time alone will show the efficacy of the project. Man lives on hopes. We, therefore, express our sincere desire that the grey water collected from the locality will be properly treated and deployed for agricultural use.

10.The tail portion of the tank was cut off because of laying of the highway. Close to 80 cents of the water body still lies to the south of the Highway. Steps shall be taken to preserve the same as a rainwater harvesting source. The remaining extent was divided into two. The respondents shall ensure that the tank portion to the south of the pathway is also to be cleaned up. Since three culverts are to be



installed, the water to be received from Yanaimalai foothills and Mullai Periyar – Vaigai branch channel would be evenly distributed throughout the tank.

11.With the aforesaid directions, the writ petition is disposed of.

The interim order earlier granted stands vacated. No costs.

(G.R.SWAMINATHAN J.) (B.PUGALENDHI J.)
26-02-2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
SKM

To

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Public Works Department,
State of Tamil Nadu, Fort St. George,
Secretariat, Chennai-600 009.
2. The Principal Secretary,
Department of Municipal Administration and Water Body,
Fort St. George, Secretariat,
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G.R.SWAMINATHAN.J,
AND
B.PUGALENDHI.J,

skm

WP(MD) NO. 3701 of 2026

26-02-2026