

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4269 of 2016
and
W.M.P. (MD) .Nos.3805 of 2016 and 3763 of 2017

Raja

... Petitioner

Vs.

1. District Collector,
Pudukottai.
2. Block Development Officer (Panchayat),
Panchayat Union,
Pudukottai and District.
3. President,
Panchayat Board,
Rajakulathur & PO,
Pudukottai TK & District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from putting up any construction in any portion in Survey No.202 with an extent of 19.24 hectare known as "Kosamundankulam", Sembattoor Village, Rajakulathur Village Panchayat Board, Pudukottai Taluk and District.

For petitioner : Mr.N.Balakrishnan
For respondents : Mr.T.S.Md.Mohideen (For R1 & R2)
Additional Government Pleader
Mr.Singharavel (For R3)
for Gunaseelan Muthaiah

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This writ petition has been filed for forbearing the respondents from putting up any construction in any portion in Survey No.202, known as "Kosamundankulam" at Sembattoor Village, Rajakulathur Village Panchayat Board, Pudukottai District.



2. This writ petition was filed in March 2016. No interim order was granted. It is taken up for final disposal today. The learned counsel appearing for the respondents submitted that by using public funds, a service centre had already been put up by the third respondent. He produced photographs to show that the construction work is already over.

3. Hence, we are not inclined to pass any adverse order in respect of the said construction. It is however, the matter on record that the land has been classified as a water body. This court has been consistently holding that the water bodies should be protected and constructions should not come up in water bodies. Though we refrain from directing, demolition of the construction that already been put up, we specifically direct the respondents that there shall not be any additional construction in the said survey no.202 known as "Kosamundankulam", Sembattoor Village, Rajakulathur Village Panchayat Board, Pudukottai District. It is the duty of the respondents to ensure that the Survey No.202 shall be protected free of any encroachment.

4. This writ petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitioners are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. District Collector,
Pudukottai.
2. Block Development Officer (Panchayat),
Panchayat Union,
Pudukottai and District.
3. President,
Panchayat Board,
Rajakulathur & PO,
Pudukottai TK & District.

ORDER MADE IN
W.P. (MD) No.4269 of 2016
27.07.2017