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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.14916 of 2018

and

W.M.P.(MD).No.13461 of 2018

Ramasamy

: Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Sub-Collector,
Pudukkottai District.

3.The Tahsildar,
Alangudi Taluk, Pudukkottai District.

4.The Block Development Officer,
Thiruvarankulam Panchayat Union,
Alangudi Taluk, Pudukkottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from encroaching S.No.123 with an extent of 14 Hectares, 45.5 ares situate in Kothamangalam North Village, Alangudi Taluk, Pudukkottai District, in any form, by considering the representations dated 21.06.2018 and 25.06.2018.

For petitioner : Mr.K.Baalasundharam

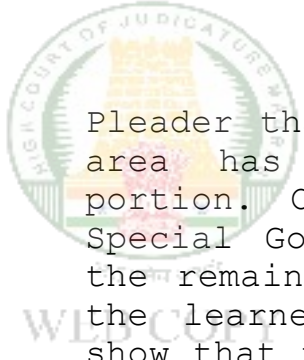
For respondents: Mr.A.K.Baskarapandian

Special Government Pleader

O R D E R

[Order of the Court was made by **M.M.SUNDRESH, J.**]

The petitioner has come forward to file this Writ Petition *inter alia* alleging that the place, which has been classified as "pond", is sought to be converted and used as a "park".



Pleader that though the classification stands as pond, the entire area has become commercialized, excluding the unconstructed portion. On an earlier occasion, we have directed the learned Special Government Pleader to get instructions as to whether in the remaining portion, a water body could be constructed. Today, the learned Special Government Pleader has produced records to show that the estimation has already been made for the creation of a pond over a sum of Rs.40,000/-, over an extent of 1,600 square feet.

3. Law is quite settled that a public purpose can be replaced by another purpose. In the case on hand, factually, the area is surrounded by the construction and therefore, it is impossible to retain it as water body. In the place in question, absolutely, there is no water collection. Moreover, what is to be constructed is only a park. The creation of pond would, certainly, give way for water storage. Additionally, a park is also to be created. Since it is only a Public Interest Litigation, we are of the view that the aforesaid steps would certainly be called as activities in public interest.

4. In such view of the matter, the Writ Petition is disposed of, by directing the respondents to construct and maintain the remaining extent of 1,600/- square feet as pond. Needful will have to be done within a period of six months from the date of receipt of a copy of this order. We make it clear that if water channels are available, there shall be no encroachment over the same. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

- 1.The District Collector,
Pudukkottai District.
- 2.The Sub-Collector,
Pudukkottai District.
- 3.The Tahsildar,
Alangudi Taluk, Pudukkottai District.



4.The Block Development Officer,
Thiruvarankulam Panchayat Union,
Alangudi Taluk, Pudukkottai District.

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+ 1 CC TO MR.K.BAALASUNDHARAM, ADVOCATE IN SR NO.89582

NB

BU/SKN/SAR-1 :13.11.2018 : 3P/6C

**ORDER MADE IN
W.P. [MD] .No.14916 of 2018
08.10.2018**