



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Friday, the Ninth day of October Two Thousand and Twenty
PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
AND

The Hon`ble Mr.Justice B.PUGALENDHI

W.P. (MD) . No.10947 of 2020

Nagavalli

....Petitioner

Vs

- 1 The District Collector,
Sivagangai District, Sivagangai.
- 2 The Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District.
- 3 The Commissioner,
Kalaiyarkovil panchayat Union,
Kalaiyarkoil Taluk, Sivagangai District
- 4 The President,
Maravamangalam Village Panchayat,
Kalaiyarkoil Taluk, Sivagangai District. ... Respondents

Prayer :-

This Writ petition filed under Article 226 of the Constitution of India to issue a writ or order or Direction imore fully the nature of Writ of Mandamus directing the respondents 1 to 3 to take appropriate action to forbear the 4th respondent from conducting weekly market in the water body namely MookkurinjiOorani comprised in S.No.224/1, admeasuring 5 Acres and 98 cents, situate at Palkulam Group, Maravamangalam Village Panchayat, Kalaiyarkoil Taluk, Sivagangai District on the basis of the petitioner's representation dated 15-06-2020.

ORDER:- This Petition coming upon for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Ramu, Advocate for the Petitioner and of Mr. R. Murugan, Additional Government Pleader for the first and second respondents and Mr. S. Srinivasa Raghavan, Advocate for the fourth respondent, this Court made the following order:

[Order of the Court was made by **N.KIRUBAKARAN, J**]

The learned Counsel for the petitioner submitted that Santhai is conducted in Mookkurinji Oorani comprised in S.No.224/1, ad measuring 5 acres and 98 cents at Palkulam Group, Maravamangalam Village Panchayat, Kalayarkovil Taluk, Sivagangai District and the rotten vegetables and the wastes are left as it is, which is leading



to pollution of the water body and serious health hazards.

2.Mr.S.Srinivasa Raghavan, learned Counsel appearing for the fourth respondent submitted that the place, where the Santhai is conducted has been notified by the District Collector and even as per the notification, only part of the Oorani is shown as Santhai. He further submitted that he himself has visited the place and found that the said Santhai is functioning five feet above the water level and hence, the water body will not get polluted and affected.

3.Under such circumstances, this Court deems it fit, to appoint an Advocate Commissioner. Accordingly, Ms.K.Mahalakshmi [Enrolment No.833 of 2016], No.100, Law Chambers, Madurai Bench of Madras High Court, Madurai [Mobile No.81227 22191] is appointed as Advocate Commissioner, who shall visit the place in dispute and find out, as to whether

(i) How the Santhai is functioning?

(ii) The Santhai is functioning in the entire Oorani or only in the part of the Oorani? and

(iii) Such functioning of the Santhai affects the said water body?

4.Mr.R.Murugan, learned Additional Government Pleader assured that the Taluk Surveyor and Village Administrative Officer concerned will be present along with necessary records and assist the learned Advocate Commissioner.

5. The learned Advocate Commissioner shall take photographs as well as draw a sketch and file her report before this Court. The fee for the learned Advocate Commissioner is fixed as Rs.20,000/- [Rupees Twenty Thousand only], including incidental charges, payable equally by the petitioner as well as by the fourth respondent. The learned Advocate Commissioner shall, after giving notice to all the parties, inspect the place and file her report.

6.Call this matter on 06.11.2020. The interim injunction granted on 04.09.2020 shall stand extended till then.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1 The District Collector,
Sivagangai District, Sivagangai.



2 The Tashsildar,
Kalaiyarkovil Taluk, Sivagangai District.

3 The Commissioner,
Kalaiyarkovil panchayat Union,
Kalaiyarkoil Taluk, Sivagangai District

4 The President,
Maravamangalam Village Panchayat,
Kalaiyarkoil Taluk, Sivagangai District.

5. The Special Government Pleader,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai
2. Ms. K. Mahalakshmi, Advocate, (Enrl. No.833/2016)
100, Law Chambers,
Madurai Bench of Madras High Court,
Madurai - 625 023
(Mobile No. 81227 22191)

+1 CC to Mr.S.RAMU, Advocate Sr.6920

ORDER DATED : 09/10/2020
HEARING DATE : 06/11/2020

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ORDER
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WP (MD) . No.10947 of 2020

Giving direction and
etc. as stated within.

PK (CO)
TR (22.10.2020) 3P 9C