



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12858 of 2021

WEB COPY

R.Ramadoss

... Petitioner

Vs.

1. The District Collector,
Dindigul District,

2. The Thasildhar
Nilakottai Taluk,
Dindigul District.

3. The Executive Engineer,
P.W.D (W.R.O)
Manjalar Dam Sub Division,
Periyakulam, Theni District.

4. The Assistant Engineer,
P.W.D (W.R.O)
Manjalar Canal Section,
Batlagundu, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 and 4 to remove the new temple encroachments made in catchment area of the Vedakulam Tank, situated in S.No.882 in old Batlagundu Village, Dindigul District, leaving the old temple situated on the bund, by adopting the procedures as under Tamil Nadu Protection of Tanks & Eviction of Encroachment Act, 2007 and its Rules.

For Petitioner : Mr.K.Vijayanand

For Respondents : Mr.A.K.Manikkam

Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition is taken up for final disposal.

2.Heard Mr.K.Vijayanand, learned Counsel appearing for the petitioner and Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents.



3.This writ petition has been filed praying for a Writ of Mandamus, directing the respondents 3 and 4 to remove the new temple encroachments made in catchment area of the Vedakulam Tank, situated in S.No.882 in old Batlagundu Village, Dindigul District, leaving the old temple situated on the bund, by adopting the procedures as under Tamil Nadu Protection of Tanks & Eviction of Encroachment Act, 2007 and its Rules.

4.It appears that pursuant to the earlier orders passed in a writ petition filed by the petitioner, encroachments have been removed. We find that there is a construction proposed to be used as a temple constructed in the centre of the Kanmoi, which is now fully surrounded by water. Courts have repeatedly held that no construction should be permitted inside a water body or a water channel. Therefore, we direct the authorities to remove the structure and restore the water body to its original position. This direction be complied with as soon as the water level in the Kanmoi subsists. The construction appears to give an impression as if it is a temple, but the petitioner says that there is no deity. In any event, if the structure is not an old structure or an ancient monument, the same has to be removed.

5.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AE)

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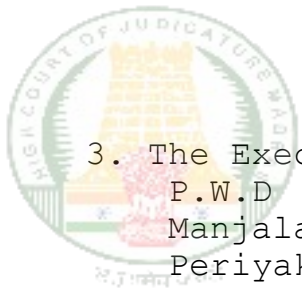
Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Dindigul District,
2. The Thasildhar
Nilakottai Taluk,
Dindigul District.



3. The Executive Engineer,
P.W.D (W.R.O)
Manjalar Dam Sub Division,
Periyakulam, Theni District.

4. The Assistant Engineer,
P.W.D (W.R.O)
Manjalar Canal Section,
Batlagundu, Dindigul District.

+1 CC to M/s.SPL GP (SR-24386[F] dated 29/07/2021)

ORDER MADE IN
W.P. [MD] No.12858 of 2021
28.07.2021

TR(04.08.2021) 3P 6C