



W.P(MD)No.635 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

WEB COPY

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P(MD)No.635 of 2019  
and W.M.P.(MD) No.582 of 2018

1.N.K.Sathivel Raja

2.S.Balakrishna Raja

3.S.Murugesan

4.K.Ganesan

.. Petitioners

Vs

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The Commissioner,  
Rajapalayam Municipality,  
Rajapalayam – 626 117.

3.The Tahsildar,  
Taluk Office,  
Rajapalayam.

4.The Executive Engineer (Irrigation),  
Public Works Department,  
Rajapalayam – 626 117,  
Virudhunagar District.



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5.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Virudhunagar.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, restraining the respondents to maintain the Orani namely "Ayathuran Oorani" of an extent of 0.45 Hectares in T.S.No.3, Block No.6, T.S. Ward I, Pudupalayam Village, Rajapalayam as Orani without changing its utility as Oorani.

|                             |   |                                                |
|-----------------------------|---|------------------------------------------------|
| For Petitioners             | : | Mr.S.Venkatesh                                 |
| For Respondents 1, 3<br>& 4 | : | Mr.A.K.Manickam,<br>Special Government Pleader |
| For Respondent No.2         | : | Mr.N.Dilipkumar<br>Standing Counsel            |
| For Respondent No.5         | : | Mr.Vijayakumari Natarajan<br>Standing Counsel  |

#### ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition was filed to seek directions on the respondents to maintain Ayathuran Oorani to the extent of 0.45 Hectares in T.S.No.3, Block No.6, T.S. Ward I, Pudupalayam Village, Rajapalayam as Orani without changing its utility.



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3. Learned Special Government Pleader appearing for the respondents 1, 3 & 4 submits that the project for the purpose of segregating the perishable and non-perishable garbage, etc., was considered but the same had been dropped to maintain the Oorani as such.

4. We find substance in the issue raised by the petitioner and therefore, the prayer in the Writ Petition is granted with a direction to the respondents to maintain the Oorani to the extent of area given in the revenue records in T.S.No.3, Block No.6, T.S. Ward I, Pudupalayam Village, Rajapalayam without changing its utility as Oorani and with the aforesaid, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

(M.N.B., C.J.) (G.C.S., J.)  
29.08.2022

Index :Yes/No  
myr-sj

To

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M.N.BHANDARI, CJ.  
and  
G.CHANDRASEKHARAN, J.

myr/sj

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