



W.P(MD)No.7801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.7801 of 2023

I.Kalanthar Ashik Ahamed

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Block Development Officer,
Thondi Union Office,
Thiruvadanai Taluk,
Ramanathapuram District.

4.The Executive Officer,
Thondi Panchayat,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the lotus plants



W.P(MD)No.7801 of 2023

sprouted in the Vannakulam Oorani (water body) in Survey No.46/2 and Kallkulam Oorani (water body) in Survey No.86/1 in Thondi Village, Thondi Town Panchayat, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 18.03.2023, within the period as stipulated by this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is a practising lawyer. He claims to have filed this writ petition on public interest. He wants this Court to direct the respondents to remove the lotus plants found in the petition mentioned water body.

3. The learned counsel appearing for the petitioner draws our attention to the order dated 12.11.2009 passed by the Hon'ble Division Bench in W.P(MD)No.2799 of 2007. The Hon'ble Division Bench in the said order had only given a direction to the District Collector, Kanyakumari District and the concerned officials of the Public Works Department not to lease out any of the tanks situate in the district for the purpose of cultivation of lotus plants after



W.P(MD)No.7801 of 2023

the expiry of the current lease period. The said order cannot be taken advantage of by the petitioner. It is not a case of the petitioner that Thondi Panchayat had let out the petition mentioned Vannankulam Oorani for the purpose of lotus cultivation. It appears that the lotus plants have naturally grown in the water body. Therefore, we are not in a position to grant the direction as sought for by the petitioner.

4. This writ petition is dismissed. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
05.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.



W.P(MD)No.7801 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

3.The Block Development Officer,
Thondi Union Office,
Thiruvadanai Taluk,
Ramanathapuram District.

4.The Executive Officer,
Thondi Panchayat,
Thiruvadanai Taluk,
Ramanathapuram District.

W.P(MD)No.7801 of 2023

05.06.2023