



W.P.(MD)Nos.9760 & 8415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.08.2023

CORAM

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

**W.P(MD)Nos.9760 & 8415 of 2023
and
W.M.P(MD)Nos.8594 & 7741 of 2023**

W.P(MD)No.9760 of 2023:

Ganesan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District.
- 2.The Tahsildar,
Manur Taluk,
Tirunelveli District.
- 3.The Inspector of Police,
Manur Police Station,
Manoor,
Tirunelveli District.
- 4.The President,
Vannikonenthal Panchayat,
Tirunelveli District.

... Respondents



W.P.(MD)Nos.9760 & 8415 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, direction forbearing respondents from putting up any construction in the water body situated in S.No.724/1 of Mesiyapuram, Vannikonenthal Panchayat, Tirunelveli District and also consequently direct the fourth respondent to restore the Viruvittankulam Taluk to its Original Position.

For Petitioner : Mr.T.Balaji

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.C.Senthilmurugan for R.4

W.P(MD)No.8415 of 2023:

Rukmani

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Manur Taluk,
Tirunelveli District.

... Respondents



W.P.(MD)Nos.9760 & 8415 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, direction forbearing respondents from putting up public toilets in Viruvittankulam tank is situated in 724/1A of Mesiyapuram, Vannikonenthal Panchayat, Tirunelveli District.

For Petitioner : Mr.R.Murali

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.K.Balasubramani
Special Government Pleader

COMMON ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General appearing for the official respondents and the learned counsel appearing for the local body.

2. The petitioner alleges that a public toilet is being put up in the petition mentioned survey number which has been classified as water body.

3. The stand of the revenue authorities appeared to be that a portion of the said survey number has been classified as “Natham” and another portion has been classified as “Burial ground”. We perused the original classification of the petition mentioned survey number in the A-Register. It is seen that



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Survey No.724/1 of Mesiyapuram has been classified as “Viruvittankulam”.

When the original character of the land is tank, it cannot be obliterated. The Writ of Mandamus sought for is granted. If any construction has been put up, it shall be removed forthwith and without any delay.

4. These writ petitions are allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
09.08.2023

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

To

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Manur Taluk,
Tirunelveli District.

3.The Inspector of Police,
Manur Police Station,
Manoor,
Tirunelveli District.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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and

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