



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI

WP(MD) No.10551 of 2023
and
WMP(MD) No.9367 of 2023

P.Jeevanantham

... Petitioner

vs .

1.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.

2.The District Collector,
Ramanathapuram District, Ramanathapuram.

3.The Commissioner, Rameshwaram Municipality,
Rameshwaram, Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to direct the third respondent to protect the feature of Kachakulam pond bearing S.No.412 to an extent 45 cents situated at Sallimalai, Rameshwaram, Ramanathapuram District by putting up a compound wall around the pond based on the petitioner's representation dated 27.03.2023 made to the respondents.

For Petitioner : A.Ramesh
For Respondents : Mr.M.Sidharthan,
Additional Government Pleader
for R1 & R2

Mr.M.Kannan for R3

ORDER

Heard the learned counsel on either side.



2.The petitioner wants this Court to protect the character of Kachakulam pond comprised in S.No.412 in Sallimalai, Rameshwaram. The pond originally measured an extent of 45 cents. But, on the western side, a road had already been laid long time back. It may not be appropriate to direct the respondents to shift the road. However, a direction is given to ensure that the remaining extent is maintained in the same condition. In other words, the remaining extent of the water body shall be maintained as such and no encroachment shall be allowed. The respondents also should not convert the character of the water body by putting up a track or any other structure.

3.The learned counsel appearing for the local body informs the court that funds have been sanctioned for putting up a compound wall. We are of the view that a water body does not require a compound wall. However, other measures such as raising bund and keeping it intact can be taken.

4.This writ petition is allowed accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

skm

To

1.The Director of Municipal Administration,
75, Urban Administrative Building,
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Raja Annamalaipuram, Chennai - 600 028.

2.The District Collector,
Ramanathapuram District, Ramanathapuram.

3.The Commissioner, Rameshwaram Municipality,
Rameshwaram, Ramanathapuram District.

+1 CC to M/s.M.KANNAN, Advocate (SR-27021[F] dated 08/06/2023)

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