



W.P(MD)No.11191 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11191 of 2015

and

M.P(MD)No.1 of 2015

Ponraman

... Petitioner

Vs

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Block Development Officer,
Kunrandarkovil Union,
Kulathur Taluk,
Pudukottai District.

3.The President,
Pappudaiyanpatti Panchayat,
Kulathur Taluk,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to remove the superstructure constructed by the third respondent in Siruvandaan Kulam water body in Survey No. 392 situated at Pappudaiyanpatti Village, Minnathoor Post, Kulathur Taluk, Pudukkottai District and consequently direct the first respondent to restore Siruvandaan Kulam Water body to its original position.



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For Petitioner : No Appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R.1

Mr.N.S.Karthikeyan for R.2 & R.3

ORDER

None appears for the writ petitioner.

2. I went through the contents of the affidavit filed in support of the writ petition. The petitioner complains that the third respondent had put up construction in the petition mentioned water body. The learned Additional Government Pleader concedes that a godown was originally put up for storing fertilizer but now it is used for housing a fair price shop. He pointed out that it is serving a public purpose and for the benefit of the villagers.

3. This Court cannot appreciate the conduct of the respondents. A water body should always be maintained only as a water body. It cannot be put to use for another purpose. The construction has come up in the year 2015. I fail to understand as to how such construction was sanctioned and permitted to be put up. I am conscious that a number of constructions in water bodies had come up some 20 years ago. Even this Madurai Bench of High Court was put up on a



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water body. But atleast after the year 2010 the Government departments have become sensitive.

4. The learned Additional Government Pleader on instructions states that the water tank is spread over 27 acres and that the offending construction does not affect the feeding channel and that it has not lowered the storage capacity. The respondents are strictly directed to ensure that no further construction comes up in the remaining extent of the water body. The offending construction will be treated as an exception.

5. With this direction to the respondents, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.07.2023

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

To

1.The District Collector,
Pudukottai District,
Pudukottai.



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G.R.SWAMINATHAN, J.

MGA

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