



W.P.(MD)No.4429 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4429 of 2015

and

W.M.P(MD)Nos.2 & 3 of 2015

Ponnaiyah Ramajayam Institute of
Science and Technology Trust,
Represented by its Managing Trustee, Prof.P. Murugesan,
PRIST University Campus, Vallam,
Thanjavur District.

... Petitioner

Vs.

- 1.The Director,
Town and Country Planning,
No. 807, Anna Salai,
Chennai.
- 2.The Deputy Director,
Town and Country Planning,
No.430, Gandhi Street,
Sivagangai - 630 561.
- 3.The District Collector,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.



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5.The President / Executive Officer,
Arasanoor Village Panchayat,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in and by its proceedings in Na.Ka.No.2/24558/2013 dated 07.04.2014 insofar as holding the survey numbers 188/11A, 12, 13, 14, 15 and 16, Arasanoor Village, Sivagangai Taluk and District as catchment area and the subsequent order passed by the first respondent in and by its proceedings in Na.Ka.No.9836/ 2014/ PA1 dated 12.02.2015 and quash the same and consequently direct the respondents to grant planning permission to the petitioner.

For Petitioner : Mr. V.Muthukamatchi

For Respondents : Mr. D. Gandhiraj,
Special Government Pleader
for R.1 to R.4

Ms.N.Sumitha,
for M/s.Ajmal Associates for R.5

ORDER

Heard the learned counsel on either side.



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2. The writ petitioner is an Educational Institution. It submitted application for putting up construction in the petition mentioned survey numbers. It appears that even without getting building plan approval, some construction was put up. The petitioner was conscious that on the lands in question construction cannot come up and therefore they sought reclassification of the land use. The District Collector, Sivagangai vide proceedings dated 07.04.2014 declined the request in respect of the water catchment areas contained in six survey numbers. The first respondent also informed the petitioner that permission to construct will not be granted in respect of those survey numbers. Action was taken under Sections 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. Challenging these twin proceedings, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned orders insofar as they are adverse to the petitioner.



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4. The learned Special Government Pleader produced the relevant revenue records. He also relied on the decision reported in **(2023) 4 CTC 851 (J.Amsaveni Vs The State of Tamil Nadu & Others)**. He called upon this Court to sustain the impugned proceeding and dismiss the writ petition.

5. It is beyond dispute that survey numbers in 188/11A, 188/12 to 188/16 have been classified as "water catchment areas". The District Collector rightly declined permission for reclassification of land use. The first respondent also had taken the very same view. The Hon'ble Division Bench in the aforesaid decision had delineated the importance of water catchment areas. A mere look at the earlier entries in the revenue record would indicate that the petitioner purchased the lands in question knowing fully well that they have already been classified as "water catchment areas". It is not as if this classification has been introduced for the first time. The petitioner had purchased the lands in the year 2012. The Hon'ble Division Bench had held that the planning authorities cannot permit any development or regularisation in the water catchment areas and if it were to do so, it will not only violate the



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statutes but also constitutional duty to protect the environment.

Respectfully adopting the very same approach, I sustain the impugned orders.

6. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.09.2023

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

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