



W.P.(MD)No.3091 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2023

CORAM

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

**W.P(MD)No.3091 of 2016
and
W.M.P(MD)Nos.2726 & 2727 of 2016**

K.Nondiveeran

... Petitioner

Vs.

- 1.The District Collector,
O/f. The District Collector,
Madurai District.
- 2.The Assistant Director of Panchayats,
O/o.the Assistant Director of Panchayats,
Madurai District.
- 3.The Tahsildar,
Melur Taluk,
Madurai District.
- 4.The Block Development Officer,
Melur Union,
Madurai District.
- 5.The President,
Therkutheru Village Panchayat,
Melur Taluk,
Madurai District.



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6.S.Nedumaran

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No.53901/2015/J3 dated 28.12.2015 on the file of the first respondent and quash the same as illegal and consequently for a direction, directing the respondents to complete the construction of the Village Panchayat Service Centre in S.No.256/1 situated at Therkutheru Village Panchayat, Melur Panchayat Union, Madurai District.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.M.Alagathevan for R.4

Mr.J.Meenakchi for R.5

Mr.T.Vadivelan for R.6

ORDER

Heard both sides.

2. The petitioner is a resident of Therkutheru Village in Melur Taluk.

The respondents commenced construction of the Village Panchayat Service



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center in Survey No.256/1. It was abandoned midway. The District Collector issued proceedings prohibiting further construction of the center. The said decision of the District Collector is put to challenge in this writ petition.

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 grant relief as prayed for.

4. The learned Special Government Pleader produced the revenue records as well as the FMB. In A-Register, Survey No.256/1 has been classified as “Kottaikulam Sathura Kenaru”. In the FMB, the land has been clearly delineated as a water body.

5. We are satisfied that the District Collector rightly concluded that Survey No.256/1 is a water body and that therefore construction in such a place cannot be permitted. We reject the prayer of the writ petitioner for completing the construction.

6. However, there is merit in the petitioner’s contention that since the village has no service center, it should have one. We call upon the respondents



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1 to 5 to identify a suitable place for service center for Therkutheru Village

Panchayat and construct the same. We make it clear that since this issue has financial implications, we are only nudging the official respondents to do so and failure on the part of the respondents to adhere to the direction shall not invite any consequence of contempt. The construction so far put up shall be removed totally. The District Collector's decision will be enforced. The water body shall be restored.

7. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
01.08.2023

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

To

1. The District Collector,
District Collector Office,
Karur District,
Karur.

2. The Tahsildar,
Manmangalam Taluk Office,
Manmangalam,
Karur District.



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3. The Block Development Officer,
Karur Block,
Karur District.

4. The Head Surveyor,
Manmangalam Taluk Office,
Manmangalam,
Karur District.

5. The President,
Vangal Kuppuchi Palayam Panchayat,
Manmangalam Taluk,
Karur District.



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