



W.P(MD)No.8487 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.09.2024

CORAM

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

**W.P(MD)No.8487 of 2024
and
W.M.P(MD)No.7676 of 2024**

Sureshkumar

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai.
- 2.The Block Development Officer,
Viralimalai Union,
Pudukkottai District.
- 3.The President,
Sooriyur Village Panchayat,
Viralimalai Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the paddy threshing floor is being constructed by the third respondent inside the Colour



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Chetti Enthall Kulam comprised in Survey No.240 with extent of 20 acre situated at Sooriyur Village, Viralimalai Taluk, Pudukkottai District based on the petitioner's representation dated 27.03.2024.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.It is admitted by the official respondents that Survey No.240, Sooriyur Village has been classified as “Enthal Kulam (water body)”. We fail to understand as to how the local Panchayat could have chosen a portion of the water body for constructing a threshing floor. It is seen that on 08.03.2024, work order was issued. We have been consistently holding that no construction should be allowed to come up in a water body. Hence the Writ of Mandamus as sought for deserves to be granted.

3.The third respondent is directed to remove whatever construction that has already been carried out. We make it clear that since the very location of the site is illegal, panchayat funds shall not be deployed for settling the bills



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of the contractor. The paddy threshing floor said to have been constructed by the third respondent on the petition mentioned water body shall be removed in *toto* within a period of three weeks from the date of receipt of a copy of this order.

4.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
12.09.2024

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

To

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