



W.P.(MD)No.9133 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.10.2024

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

W.P(MD)No.9133 of 2024
and
W.M.P.(MD)No.14099 of 2024

Anand

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate Building,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Collectorate Building,
Virudhunagar District.
- 3.The Thasildar,
Office of the Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Office of the Block Development Office,
Aruppukottai Taluk,
Virudhunagar District.
- 5.The President,
Villipathiri Panchayath,
Arupukkottai Taluk,
Viurdhunagar District.



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6.Karuppaiah

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents No. 1 to 4 remove the illegal encroachment made in Channel by the respondent no. 5 and 6 by making constructed the road in the water bodies in Survey No. 86, situated at Villipathiri Village, Aruppukottai Taluk, Viruthunagar District by considering the petitioner's representation dated 05.02.2024.

For Petitioner :Mr.K.Yasar Arafath

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R4
: Mr.T.Villavan Kothai
for R5
: Mr.K.Vijay Sathya for R6

ORDER

Heard the learned counsel on either side.

2. Survey No.86, Villipathiri Village, Arupukkottai Taluk has been classified as 'Odai' / water body. It measures an extent of 75 ares. Its character has to be maintained for all times to come.

3. The learned standing counsel for the local body claims that the marks in the FMB indicate that footpath is also in existence. It may be so. But then, no tar road can be permitted to be laid on the said footpath. Status quo



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that originally prevailed has to be maintained as such. We restrain the respondents from laying any tar road in Survey No.86, Villipathiri Village, Arupukkottai Taluk. Interim order earlier granted by us in W.M.P.(MD)No. 8317 of 2024 is made absolute.

4. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
24.10.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

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