



WP(MD)No.20467 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

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**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

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Arumugam

... Petitioner

Vs.

- 1.The District Collector /
Monitoring Committee,
Tenkasi District.
- 2.The Assistant Director (Panchayats),
Rural Development (Panchayat),
Alangulam, Tenkasi District.
- 3.The Block Development Officer,
Alangulam, Tenkasi District.
- 4.The Assistant Engineer,
Public Work Department,
Sitraru Vadikal Division,
Tenkasi District.
- 5.The President,
Sivalarkulam Vilage Panchayat,
Alangulam Taluk,
Tenkasi District.

... Respondents



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Prayer: Writ Petition filed under Article 227 of the Constitution of India to issue Writ of Mandamus to direct the respondents to remove the encroachment in S.No.892 classified as Odai Kaalvai situated at Marandhai, Alangulam Taluk, Tenkasi District made by the fifth respondent based on the petitioner's representation dated 02.08.2024.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.K.Balasubramanian,
Special Government Pleader for R1 & R4

Mr.J.K.Jayaseelan, Government Advocate
for R3 & R5

ORDER

Heard both sides.

2.The petitioner's case is that Survey No.892 in Marandhai, Alangulam Taluk, Tenkasi District has been classified as water body and that new constructions are presently coming up. He wants this Court to restrain the authorities from putting up new constructions.

3.When the matter was taken up for hearing, the learned Special Government Pleader submitted that there is an existing cremation shed in the very same survey number and that since it is in dilapidated condition, it is necessary to put up a new shed.



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4.If the existing shed has become dilapidated, it can be demolished and a new shed can be built at the same site without changing the dimensions. It is not open to the authorities to put up another new construction in the very same survey number which is classified as water body. We cannot permit any further construction to come up in the water body at a new site. It is for the first respondent to take a call in the matter. The learned counsel for the petitioner points out that the cremation shed was put up in the year 2011. If that be so, we fail to understand as to how a building put up in the year 2011 is in dilapidated condition within a short span of 13 years. If the petitioner's allegations are true, then, appropriate action may be taken against the officials responsible.

5.This writ petition is disposed of. No costs.

[G.R.S., J.] & [B.P., J.]
10.09.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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and

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