



W.P.(MD)No.3177 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.02.2025

CORAM

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

W.P(MD)No.3177 of 2025

S.Thirumalai Murugan

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,Tenkasi.

2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

3.The Superintending Engineer,
Public Works Department,
Palayamkottai,
Tirunelveli District.

4.The Block Development Officer,
Melaneelithanallur,
Sankarankoil Taluk,
Tenkasi District.

5.Jeyakannan

6.K.K.@Karuppasamy

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 5 to remove the gravel road and other encroachments made within the Pandiyapuram Oorani in S.No.169 situated in Pandiyapuram Village, Sankarankovil Taluk, Tenkasi District and consequently, to restore the above said water body to its original position by considering the petitioner's representation dated 15.10.2024.

For Petitioner :Mr.Kannan Gurusami

For Respondents :Mr.S.R.A.Ramachandran
Additional Government Pleader
for R1 to R3
: Mr.K.Balasubramanian
Special Government Pleader for R4

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R4 and the learned Additional Government Pleader takes notice for R1 to R3.

2. It is not in dispute that Survey No.169, Pandiyapuram Village has been classified as Oorani. The photographs enclosed in the typed set of papers indicates that a portion of Oorani has been leveled up and a road has been formed.



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3. It is submitted by the official respondents that the water body vests in the panchayat union. Therefore, it is the duty of the panchayat union as well as the fourth respondent to ensure that the integrity of the water body is not tinkered with.

4. We direct the respondents 1 to 4 to restore the water body to its original condition. It is submitted by the learned Special Government pleader that the villagers themselves formed a road and the authorities did not form the road. This submission is not acceptable. The panchayat authorities ought to have prevented the illegal formation of the road and to restore its original condition.

5. The writ petition is allowed. No costs.

[G.R.S., J.] [B.P., J.]
05.02.2025

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

1. The District Collector,
Tenkasi District, Tenkasi.



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- 2.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.
- 3.The Superintending Engineer,
Public Works Department,
Palayamkottai,
Tirunelveli District.
- 4.The Block Development Officer,
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