



W.P.(MD)Nos.4856 to 4859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)Nos.4856 to 4859 of 2025

and

W.M.P.(MD)No.3520, 3522, 3546 and 3524 of 2025

P.Viswanathan

... Petitioner
in W.P.(MD)Nos.4856 & 4857/2025

M.Suriya Prakash

... Petitioner
in W.P.(MD)No.4858/2025

M.Marimuthu

... Petitioner
in W.P.(MD)No.4859 / 2025

Vs.

1. The District Collector,
Thanjavur District, Thanjavur.

2.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam, Thanjavur District.

3.The Commissioner,
Kumbakonam Municipality,
Kumbakonam, Thanjavur District.

...Respondents
in all Writ Petitions



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COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notices dated 03.02.2025 in Na.Ka.No.8677/2021/D1 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.S.Babu
For R1 & R2 : Mr.M.Sarangan,
Additional Government Pleader
For R3 : Mr.S.Ramakrishnan
(in all W.Ps.)

COMMON ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice issued by the 3rd respondent under Section 128 of Tamil Nadu Urban Local Bodies Act, 1998 is under challenge in these Writ Petitions.

2.The writ petitioners state that they are the *bona fide* purchasers of the land through sale deed from their vendor. Therefore, they cannot be evicted from the subject property. However, it is not in dispute between the parties that the subject property is a 'bond' (water body).



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3.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that there is an encroachment in the water body and therefore, the authorities competent have no objection to evict the encroachers and protect the water body for the benefit of the public at large.

4.Water bodies are to be preserved by the State and the Hon'ble Supreme Court in an unequivocal terms reiterated that the encroachment in water body at no circumstances be allowed, as it will result in water scarcity in a particular locality and agricultural activities would also suffer.

5.As far as the contention of the petitioners is concerned, if at all they claim to be *bona fide* purchasers, they can seek an appropriate remedy against their vendor by instituting a civil Suit before the civil Court of law. Contrarily, they cannot be allowed to occupy the water body, which is, admittedly, classified as 'bond' .

6.In respect of the water bodies, the Corporation authorities and the revenue authorities are bound to initiate action and ensure that encroachments from water body are removed and it is protected in a public interest.



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7. That apart, these Writ Petitions have been instituted only against notice and therefore, they are not maintainable.

8. The Writ against notice is maintainable only if such notice has been issued by an incompetent authority having no jurisdiction or tainted with allegation of *mala fide*. The petitioners have not established any one of such ground for the purpose of interference. Thus, these Writ Petitions are not maintainable. If at all the petitioners possess any document to establish their case, they are at liberty to submit such documents along with explanation if any before the competent authority for consideration.

9. The authorities competent shall continue enforcement action already initiated and ensure that eviction from water bodies are removed and it is preserved for the benefit of the people of that locality. The said entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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WEB COPY 10. With the above observation, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)

06.06.2025

NCC : Yes / No

Index : Yes / No

Yuva

TO:-

1. The District Collector,
Thanjavur District, Thanjavur.
2. The Tahsildar,
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Kumbakonam, Thanjavur District.



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