



W.P.(MD)No.10886 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2025

CORAM

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

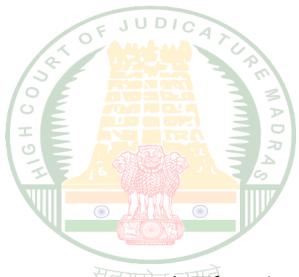
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Neer Nilaigai Matrum Sutruchoozhal
Paathukappu Nala Sangam-Madurai North
Represented by its Secretary,
R.Mayilsamy,
Plot No.5A, 1st Floor, Ayyappan Street,
Sembaruthi Nagar,
New Vilangudi,
Madurai North, Thathaneri Post,
Madurai-18.

... Petitioner

Vs.

- 1.The Director,
Town and Country Planning,
2nd, 3rd, 4th Floor,
C & E Market Road,
Koyembedu,
Chennai-600 107.
- 2.The District Collector / Chairperson,
District Monitoring Committee (Water Bodies)
Sivagangai District.
- 3.The Revenue Divisional Officer / Chairperson,
Divisional Monitoring Committee, (Water Bodies)
District Collectorate Campus,
Sivagangai.



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4.The Assistant Director,
Town and Country Planning Office,
Sivagangai District.

5.The Block Development Officer (Village Panchayat),
Sivagangai Panchayat Union,
Sivagangai.

6.The Special Officer / Block Development Officer,
Arasanoor Village Panchayat,
Sivagangai District.

7.Ponnaiyah Ramajayam Institute of Science and Technology,
(PRIST) College,
Arasanoor Village,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take appropriate action against the unauthorized construction made by the 7th respondent herein in the water body (Water Catchment) situated in Survey Nos.188/11A, 188/12, 188/13, 188/15 and 188/16 of Arasanoor Village, Sivagangai District.

For Petitioner :Mr.N.Anand Kumar

For Respondents :Mr.N.Ramesh Arumugam
Government Advocate
for R1 to R6

: Mr.B.Saravanan
Senior Counsel
for Mr.K.M.Karunakaran
for R7



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ORDER

Heard both sides.

2. This writ petition has been filed in public interest.

3. The learned senior counsel appearing for the 7th respondent challenges the bonafides of the writ petitioner. He points out that the petitioner association was registered only recently. Though the petitioner association is based in Madurai, it is highlighting an issue pertaining to the neighbouring district of Sivagangai. We however do not want to get sidetracked by the said submission. We would rather focus on the merits of the matter. The petitioner alleges that the 7th respondent has put up an unauthorised construction in the petition mentioned survey numbers. The petitioner also draws our attention to the order dated 07.09.2023 made in W.P.(MD)No.4429 of 2015. Paragraph No. 5 of the said order reads as follows:-

“5. It is beyond dispute that survey numbers in 188/11A, 188/12 to 188/16 have been classified as "water catchment areas". The District Collector rightly declined permission for reclassification of land use. The first respondent also had taken the very same view. The Hon'ble Division Bench in the aforesaid



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decision had delineated the importance of water catchment areas. A mere look at the earlier entries in the revenue record would indicate that the petitioner purchased the lands in question knowing fully well that they have already been classified as “water catchment areas”. It is not as if this classification has been introduced for the first time. The petitioner had purchased the lands in the year 2012. The Hon'ble Division Bench had held that the planning authorities cannot permit any development or regularisation in the water catchment areas and if it were to do so, it will not only violate the statutes but also constitutional duty to protect the environment. Respectfully adopting the very same approach, I sustain the impugned orders.”

4. The Assistant Director of Town and Country Planning had taken action against the seventh respondent. The District Collector, Sivagangai had also initiated action against the seventh respondent herein. The seventh respondent had committed illegality in two fold manner.

(I) Putting up construction in a water catchment area.

(II) No approval was obtained even for putting up such construction.

5. Since it has been established that an unauthorised construction has been put up by the seventh respondent in a water catchment area, we direct the respondents 4 to 6 to take action for removing the unauthorised construction. When we were about to issue formal direction, the learned senior counsel on instructions from the 7th respondent submits that since a college is being run



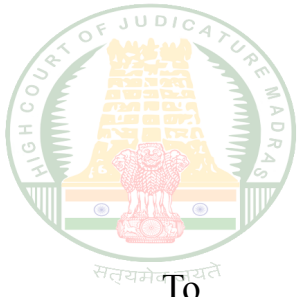
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presently, the 7th respondent may be given sufficient time to remove the encroachment on their own. The seventh respondent is also ready to file an affidavit to that effect. Recording the undertaking of the seventh respondent to remove the offending construction on their own, we grant exactly 11 months time from today to remove the encroachment on their own. In other words, the offending construction should have been taken down on or before 31.05.2026. If the seventh respondent fails to file an affidavit within a period of two weeks from the date of receipt of a copy of this order, the seventh respondent will not be entitled to the benefit of this order. If the seventh respondent fails to abide by the undertaking now given, it shall be construed as an act of contempt. In that event, the respondents 4 to 6 shall forthwith remove the offending construction.

6. The Writ Petition is allowed accordingly. No costs.

[G.R.S., J.] [B.P., J.]
10.06.2025

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