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W.P.(MD)NO.11511 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11511 of 2021

Subramaniya Udaiyar

... Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Tiruchirappalli.
2. The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli.
3. The Block Development Officer,
Manachanallur,
Tiruchirappalli.
4. Malai Matha Thiruthalam,
Rep. by Rev.Thomson,
Konalai,
Manachanallur Taluk,
Trichy.
5. The Tahsildar,
Manachanallur Taluk,
Trichy District.

(R-5 is *suo motu* impleaded vide order dated 30.07.2025)

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the pipeline which was laid over the water body situated in S.F.No.336/5 at Konalai Village, Trichy and consequently directing the respondents to make necessary arrangements for free flow of water through the water body to reach Naatamathu lake in order to utilize the same for agricultural purpose based on his representation dated 09.11.2020.

For Petitioner : Mr.M.Jerin Mathew

For R-1 to R-3 : Mr.N.Ramesh Arumugam,
Government Advocate.

For R-4 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for respondents 1 to 3.

2. The fourth respondent has been served and he has also entered appearance through counsel. However, there is no representation on their behalf.



3. The petitioner is a resident of Kelavankaaram Village. His allegation is that the fourth respondent has illegally laid pipelines over the petition-mentioned water body. He wants the same to be removed.

4. The learned Government Advocate pointed out that when steps were earlier taken, the fourth respondent herein filed W.P. (MD)No.12153 of 2021 and the said writ petition was allowed on 11.12.2024 in the following terms:-

“ 3. Section 6 of the Act mandates for issuance of a prior show cause notice under Section 7 before any order of eviction is passed and the authorities have to follow the due process of law. Hence, it goes without saying that show cause notice under Section 7 should have been issued before Section 6 notice. Therefore, the present impugned order cannot be legally sustained.

4. Accordingly, the writ petition is allowed and the impugned order dated 08.07.2021 on the file of the 5th respondent is set aside. However, liberty is granted to the respondents herein to initiate eviction proceedings by following the due procedure contemplated under the Act and take



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further course of action by extending due opportunity to all the persons, who may be interested in the subject matter. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.”

5. A careful reading of the aforesaid order would indicate that the hands of the authorities have not been tied. They have only been called upon to follow due process. The learned Government Advocate undertakes that they will follow due process and have the encroachment committed by the fourth respondent removed and it is further undertaken that it shall be done within a period of three months from the date of receipt of a copy of this order.

6. Recording the stand of the learned Government Advocate, this writ petition stands allowed. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
30th July 2025

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

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To:

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Tiruchirappalli.
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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

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