



W.P.(MD)No.15664 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.06.2025

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

W.P(MD)No.15664 of 2025

C.Aravindhan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The District Revenue Officer,
Thanjavur District.

3.The Revenue Divisional Officer,
Thiruvaiyaru,
Thanjavur District.

4.The Tahsildar,
Thiruvaiyaru,
Thanjavur District.

5.The Executive Engineer,
Water Resources Department,
Kaveri Basin Division,
Thanjavur District.

6.A.Senthil Kumar

7.C.Parangusam

... Respondents

1/5



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the fifth respondent to remove the encroachments made by the private respondents 6 & 7 in S.No.149/A and 149/B Sathanur Village, Thiruvaiyaru Taluk, Thanjavur District which is classified as Water Channel in light of the communication proceedings made by him in Letter No. 831M/KO-5/MU THA.B/PA.A/2024, dated 20.11.2024 and consequently, for a direction directing the respondents 1 to 5 to restore the water channel in S.Nos. 149A, 149B, Sathanur Village, Thiruvaiyaru Taluk, Thanjavur District as per FMB Sketch enabling free flow of water to the agricultural land in Sathanur Village, Thiruvaiyaru Taluk, Thanjavur District within time stipulated.

For Petitioner :Mr.K.Dinesh

For Respondents :Mr.C.Venkatesh Kumar
Special Government Pleader
for R1 to R5

: Mr.R.Murugappan
for R6

ORDER

Heard both sides.

2. The petitioner alleges that there are encroachments in Survey Nos. 149/A and 149/B, Sathanur Village. Copy of the “A” register has been enclosed. It is seen therefrom that both survey numbers have been classified as “வாய்க்கால்”. Encroachment in any water body cannot be permitted.



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Therefore, after giving notice to all the interested persons, the encroachment will have to be necessarily cleared.

3. The learned counsel appearing for the private respondents claims that if the temple was in existence as on 15.08.1947, then, it will be entitled to protection under the Places of Worship Act. But if it was put up subsequently, it will not enjoy any legal protection. Be that as it may, we direct the respondents 4 & 5 to issue notices to the private respondents as well as the other interested persons. The private respondents are very well entitled to take part in the enquiry and place all their objections. A speaking order shall be passed by the fourth respondent after taking into account the defences raised by the respondents 6 & 7. Leaving open all the contentions on either side, we direct the fourth respondent to remove the encroachment as per law. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of 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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