



W.P.(MD)No.17538 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P(MD)No.17538 of 2019

and

W.M.P(MD)Nos.14035, 14036 & 15630 of 2019

S.Sivaprakasam

.. Petitioner

Vs.

- 1.The State Rep. by Principal Secretary,
Municipal Administration and Water Supply,
Govt. of Tamil Nadu,
Fort St.George, Chennai-9
- 2.The District Collector,
Sivagangai District.
- 3.The District Collector,
Virudhuangar District.
- 4.The Tahsildar,
Thriuppuvanam Taluk,
Sivagangai District.
- 5.The Special Officer/executive Officer,
Thiruppuvanam Town Panchayat,
Sivagangai District.



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6.The Special Officer/executive Officer,
Arupukkottai Municipality,
Virudhuangar District.

7.The Commissioner,
Municipal Administration,
75, Santhome Highways,
Raja Annamalaipuram,
Chennai-28.

.. Respondents

(R7 is suo motu impleaded vide Court order, dated 08.08.2019)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents herein, their officials, subordinates and men or any one acting under them and on their behalf from in any manner dumping the waste, garbage, rubbish in the Survey No.3B measuring 0.2 Ares, S.No.5B measuring 0.46.5 Ares and Survey No.6 measuring 0.62.5 Ares situated in Neludikarai Village, Thiruppuvanam Town Panchayat, Aruppukottai, Virudhunagar District concerning public project meant for supply of drinking water to 6th respondent municipality and consequently direct the respondents 1,3 and 6 herein not to allow the respondents 2, 4 and 5 from converting the land in Survey Nos.3B measuring 0.2 Ares, S.No.5B measuring 0.46.5 Ares and Survey No.6 measuring 0.62.5 Ares situated in Aruppukottai, Virudhunagar District under the control of 6th respondent meant for public project of supply of drinking water from 1964 as a “Weekly shandy” by considering the representation dated 04.08.2019.



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For Petitioner : Mr.C.Jeganathan
for M/s.Veera Associates

For R1 – R4 : Mr.D.Sasikumar
Additional Government Pleader

For R5 : Mr.M.Rajarajan

For R6 : Mr.N.Dilipkumar

ORDER

This writ petition has been filed for the following relief :

“forbearing the respondents herein, their officials, subordinates and men or any one acting under them and on their behalf from in any manner dumping the waste, garbage, rubbish in the Survey No.3B measuring 0.2 Ares, S.No.5B measuring 0.46.5 Ares and Survey No.6 measuring 0.62.5 Ares situated in Nelmudikarai Village, Thiruppuvanam Town Panchayat, Aruppukottai, Virudhunagar District concerning public project meant for supply of drinking water to 6th respondent municipality and consequently direct the respondents 1,3 and 6 herein not to allow the respondents 2, 4 and 5 from converting the land in Survey Nos.3B measuring 0.2 Ares, S.No.5B measuring 0.46.5 Ares and Survey No.6 measuring 0.62.5 Ares situated in Aruppukkottai, Virudhunagar District under the control of 6th respondent meant for public project of supply of drinking water from 1964 as a



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“Weekly shandy” by considering the representation dated 04.08.2019. ”

2. The case of the petitioner is that during 1964 to 1972, the State Government decided to provide a water scheme to cater to the needs of over 80,000 residents in the 6th respondent Municipality to take water from Vaigai River bed near Thiruppuvanam. For the said purpose, the State Government and the Revenue Administration had vested Survey Nos.3B measuring 0.2 Ares, S.No.5B measuring 0.46.5 Ares and Survey No.6 measuring 0.62.5 Ares in favour of the 6th respondent.

3. The 6th respondent with the assistance of fund allocation of State established a pumping station at the river bed and installed a overhead tank in the lands vested in favour of the 6th respondent. Residential quarters for the staff of the 6th respondent for execution of the above public project was also constructed on permanent basis.

4. Meanwhile, the State Government has passed G.O.Ms.No.82 Municipal Administration and Water Supply, dated 23.08.2018



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sanctioning Rs.20 Crores for rejuvenating the above scheme as the need to supply drinking water has increased due to population growth. On the other hand, the respondents 2, 4 and 5 have started dumping solid waste and depositing the same into the above property under the control and maintenance of the 6th respondent and trying to convert the lands as a weekly shandy. Therefore, the petitioner is before this Court.

5. The 1st respondent has filed a status report in which it is stated that after a public hearing was held on 21.01.2020 by the High Level Committee, it was decided to inspect the site at Thiruppuvanam Town Panchayat, Sivagangai District. The site was also inspected by the High Level Committee along with District Collectors of Sivagangai and Virudhunagar and thereafter, a public hearing was held in the Madurai District Collectorate Complex and Medical College Auditorium where over 250 persons had taken part. All of whom had expressed their views. After a detailed deliberation, the Committee had decided that a portion of the land measuring an extent of 1.00 acre in Survey Nos.3/3B, 3/5B and 3/6 of Nelmudikarai Village, Thiruppuvanam Taluk, Sivagangai District



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belonging to the Aruppukkottai Municipality, namely the 6th respondent would be earmarked for establishing market by the Thiruppuvanam Town Panchayat subject to the conditions imposed by the High Level Committee in its second meeting.

6. The 6th respondent has filed a counter affidavit inter alia contending that the lands in question belongs to the 6th respondent and it abuts Vaigai river bed. As part of the drinking water scheme, the lands in Survey Nos.3/3B, 3/5B and 3/6 measuring an extent of 2, 46.5 and 62.5 are respectively in Nelmudikkarai Village, Thiruppuvanam Town Panchayat had vested with them. The 6th respondent would submit that in the said subject lands, they had established their staff quarters, office room, electricity generator room, transformer, store room and electricity board room. The water pipeline from the overhead tank was also been drawn through these lands and the water was being supplied to the residents of the 6th respondent Municipality which exceeds over a Lakh of residents now.



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7. The 6th respondent would submit that since the water source and the water supply works lie within these survey numbers, the safety of the overhead tank, bore wells, underground pipelines etc., is a matter of serious concern for the 6th respondent Municipality. The 5th respondent had decided to set up a weekly market in these lands without the concurrence of the 6th respondent Municipality. In fact during the pendency of the writ petition, on 28.08.2019, the administration of Sivagangai forcibly, arbitrarily and unilaterally entered in the property with heavy machinery and dug up the lands to ascertain the running of underground pipelines and it had caused serious damage to the pipelines requiring immediate repair works. The 6th respondent would submit that such high handed action on the part of the 5th respondent is a serious cause of safety concerns for the 6th respondent Municipality in respect of its water lines. It is for this reason that the High Level Committee had met up and had a discussion with all interested parties and arrived at a decision to allocate one acre of land to the 5th respondent for setting up their weekly shandy.



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8. The status report filed by the 1st respondent and the sketch filed by the 3rd respondent along with the counter affidavit would indicate the fact that the market was proposed to be set up by the 5th respondent near the water sources and therefore, the 5th respondent has to exercise extreme care and caution while operating the weekly shandy. The High Level Committee had earmarked this space to the 5th respondent on the following conditions :

(a) This land will be allocated for a period of 5 years, and an alternative site shall be explored by Thiruppuvanam Town Panchayat. Status will be reviewed after five years.

(b) To protect the Aruppukkottai municipality's water works premises, separate access shall be established by constructing a bridge over the channel connecting Madurai - Rameswaram road by utilizing Departmental funds.

(c) Compound wall shall be constructed for the premises earmarked for Shandy purpose by the Thiruppuvanam Town Panchayat with its own funds.

(d) 50% of the Revenue share shall be paid to the (land owner) Aruppukkottai Municipality by the Thiruppuvanam Town



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Panchayat immediately after Conducting auction of the market.

There should not be any belated payment.

(e) No transfer of tittle of property will be effected since the land may be required for establishing Water Treatment Plant in future

(f) No permanent structure shall be constructed in the place earmarked for shandy.

(g) The land earmarked should not be used by Thiruppuvanam Town Panchayat for any purpose other than shandy.

(h) The premises earmarked for shady and the nearby water head works shall be kept clean by the Thiruppuvanam Town Panchayat regularly.

(i) Water quality shall be checked through the Tamil Nadu Pollution Control Board every month and the test report shall be sent to the District Collectors of Sivagangai and Aruppukkottai for review to ascertain that there is no contamination due to functioning of vegetable and cattle shandy.



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(j) The District Collector, Sivagangai shall take immediate measures to complete the remaining pipe relaying works of Aruppukkottai Municipality within the district.

(k) If any of the above conditions is violated by the Thiruppuvanam Town Panchayat, the District Collector Sivagangai shall take immediate action to close the market and hand over the land to Aruppukkottai Municipality.

(l) An agreement shall be entered between Aruppukkottai Municipality and Thiruppuvanam Town Panchayat in the presence of District Collectors Sivagangai and Virudhunagar.

9. Therefore, the writ petition is disposed of taking into account the fact that an acre of land in Survey Nos.3/3B, 3/5B and 3/6 has been allocated for establishing market by the Thiruppuvanam Town Panchayat. It would suffice that the writ petition be disposed of with a direction that the market be run as per the conditions set out by the High Level Committee and any violation of the same can lead to the revocation of the permission granted for running the weekly shandy.



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10. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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