



W.P(MD)No.22520 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.04.2025

CORAM

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

**W.P(MD)No.22520 of 2018
and
W.M.P(MD)Nos.20367 of 2018, 16488 of 2019
& 902 of 2021**

Muthiah

... Petitioner

Vs.

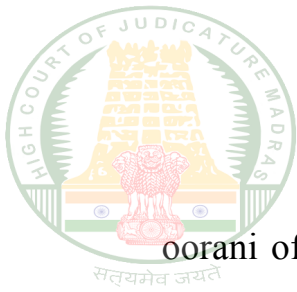
1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Karaikudi,
Sivagangai District.

3.The Executive Officer,
Kandanur,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from proceeding with the further construction of drama stage in and around the bund of the Chettiar



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oorani of the Kandanur Sivan temple by considering the representation of the petitioner dated 25.10.2018.

For Petitioner : Ms.AG.Ganthimathi
Senior Counsel
for J.Anandkumar

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 & R.2

Mr.RM.Arun Swaminathan
for R.3

Mr.M.Paranjothi
for Intervenor

ORDER

Heard both sides.

2.The only question that calls for consideration is whether the proposed construction of drama stage is to be permitted. The petitioner alleged that the drama stage is being put up on the bund of the water body. It is well settled that the bund of the water body is also a water body and that no construction can be allowed to be put up thereon.



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3.We called upon the learned Additional Government Pleader to get instruction as to where the drama stage is proposed to be constructed.

4.The jurisdictional Tahsildar submitted a report stating that the drama stage will come up in Survey No.104 which has been classified as road.

5.It is well settled that no construction is permissible in a road also. Of course, bus shelters can be put up. But definitely a drama stage cannot be put up on the road side. The local body has to find some other suitable alternative site. Whatever constructions have already put shall be dismantled and the debris also totally removed as expeditiously as possible.

6.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
01.04.2025

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



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
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Karaikudi,
Sivagangai District.
- 3.The Executive Officer,
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