



W.P(MD)No.17191 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.17191 of 2016

and

W.M.P(MD)No.12472 of 2016

M.Mariammal

..Petitioner

Vs

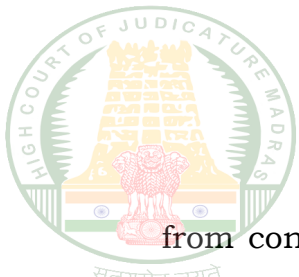
1.The Commissioner,
Thiruthangal Municipality,
Thiruthangal,
Virudhunagar District.

2.The Chariman,
Thiruthangal Municipality,
Thiruthangal,
Virudhunagar District.

(R1 and R2 cause title amended vide
court order dated 11.12.2024 in WMP(MD)NO.
24835/2024)

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to remove the construction made by them in the North South Bommaiyaanaickan Street situated in front of the Petitioner's property on the Western side in Door No. 19, Old Ward No.9, New Ward No. 17, Thiruthangal Town, Virudhunagar District and forbearing the Respondents



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from constructing water tank or any other constructions in the above said property.

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For Petitioner : Mr.M.Kannan

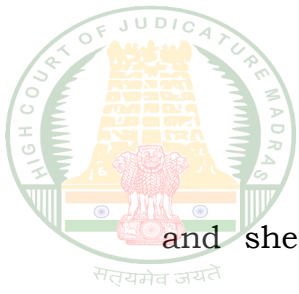
For Respondents : Mr.M.Rajarajan (for R1)
Mrs.S.Jeya Priya
Govt. Advocate (for R2)

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to remove the construction put up by them in North-South Bommaiyaanaickan Street, situated in front of the petitioner's property at Door No.19, Old Ward No.9, New Ward No.17, Thiruthangal Town, Virudhunagar District, and to forbear the respondents from constructing a water tank or any other structure in the said property.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the first respondent, and the learned Government Advocate for the second respondent. Perused the materials available on record.

3. The petitioner is residing at the aforesaid address. She purchased the property under a registered sale deed dated 01.02.1979 and has been in continuous enjoyment thereof. The property stands assessed in her name,



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and she has been paying taxes without default. All of a sudden, the workmen of the respondents commenced digging in front of her house.

When the petitioner questioned them, she was informed that a water tank was proposed to be constructed in the middle of the street in front of her property. Aggrieved thereby, the petitioner submitted a representation dated 22.08.2016 to the respondents. Since no action has been taken on the said representation, the petitioner has approached this Court by way of the present writ petition.

4. The learned Standing Counsel appearing for the first respondent and the learned Government Advocate for the second respondent, would contend that the property in question, namely the North-South Bommaiyaanaickan Street, is a public street vested with the local body. As such, the petitioner cannot claim any exclusive right over the same. It is further contended that the proposed construction is intended to meet the drinking water requirements of the locality and is purely for public purpose. Hence, the writ petition is misconceived and liable to be dismissed.

5. Considering the facts and circumstances of the case, this Court is of the view that the respondents are not justified in putting up construction of water tank, in the middle of the public street, more particularly in front of the petitioner's house, as the same would cause serious obstruction to her lawful ingress and egress to the property. It is also to be noted that the



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petitioner has purchased the property under a registered sale deed, the same has been assessed in her name, and she has been paying property tax regularly without any default, thereby establishing her lawful possession and enjoyment.

6. Accordingly, this writ petition is allowed. The respondents are directed to remove the construction put up in North-South Bommaiyaanaickan Street, situated in front of the petitioner's property at Door No.19, Old Ward No.9, New Ward No.17, Thiruthangal Town, Virudhunagar District. The above exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2025

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



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To

1.The Commissioner,
Thiruthangal Municipality,
Thiruthangal,
Virudhunagar District.

2.The Chariman,
Thiruthangal Municipality,
Thiruthangal,
Virudhunagar District.



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P.T.ASHA, J.

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