

WP(MD)No.23112 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.23112 of 2025
and
WMP(MD)No.18175 of 2025**

Vadakku Kalmedu, Sammankulam
Kanmai Neerinai Payanpadutthuvor Sangam,
Rep.by its President

... Petitioner

- Vs. -

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
3. The Tahsildar, Ottapidaram Taluk Office,
Thoothukudi District – 62840.
4. The Executive Engineer,
Water Resource Department,
Korampallam River Basin,
Thoothukudi District.

5. Thirumani

... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 herein to remove the encroachments made in Vadakku Kalmedu Sammankulam Kanmai Comprised in Survey No. 448/1 and 448/2 total extent as 18 Acres 55 on the basis of the petitioner's representation dated 30.07.2025 and consequently direct the respondents 1 to 4 to take appropriate action against the 5th respondent herein.

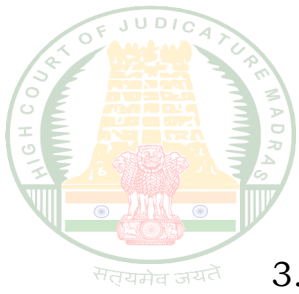
For Petitioner : Mr.A.D.Ganesamoorthi

For Respondents : Mr.C.Venkateshkumar,
Special Government Pleader for R1 to R4

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for R1 to R4. Issuance of notice to R5 is dispensed with.

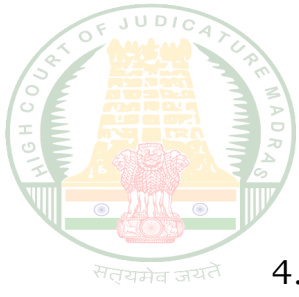
2.The specific case of the petitioner is that the petition mentioned survey numbers are water bodies and that the encroachment committed by the fifth respondent should be removed. In this regard, representation dated 30.07.2025 was submitted. Since it was not processed, the present writ petition came to be filed.



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3. When the matter was taken up for hearing, the learned Special Government Pleader submitted that Survey No.448/1 is clearly a water body. But it is seen that during survey, it has been classified as patta land. The learned counsel for the petitioner submitted that it has been described as water spread area. It is well settled that water spread area cannot be converted to any other use. We direct the authorities to ensure to maintain Survey No.448/1 as such. Survey No.448/2 was originally classified as Kanmai Ulvai. But during UDR, it has been wrongly classified as patta land. It is well settled that if any mistake occurs during UDR, it is the jurisdictional District Revenue Officer who has to set right the same. No limitation will arise in such matters. We permit the petitioner to submit a representation to the District Revenue Officer, Thoothukudi for classifying Survey No.448/2 as water body. The District Revenue Officer, Thoothukudi will consider the representation to be submitted by the petitioner and pass orders within a period of four months after putting the interested persons, if any, on notice.



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4.This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

[G.R.S., J.] & [B.P., J.]
28.08.2025

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

To

1. The District Collector,
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