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W.P.(MD)NO.22882 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.22882 of 2023 AND

W.M.P.(MD)No.19126 of 2023

K.Anbu

... Petitioner

Vs.

1. The District Collector,
Thanjavur,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
3. The Tahsildar,
Thiruvidaimaruthur,
Thanjavur District.
4. The Chief Engineer,
Public Works Department,
Chepauk, Chennai.
5. The Assistant Executive Engineer,
Public Works Department,
Govindapuram,
Thiruvidaimaruthur Taluk,
Thanjavur District.



6. The Forest Officer,
Thanjavur District,
Thanjavur.

(R-6 is deleted vide order dated 25.09.2025
in W.M.P.(MD)No.18260 of 2024)

7. The President,
Adudurai,
Thiruvudaimaruthur Taluk,
Thanjavur District.

8. Selvanami

9. Singari Mami

10. Subbuni @ Subramaniya Ayyar

11. Ramakrishnan

12. Murugavel

... Respondents 8 to 12 encroachers
in Pillaiyarkulam Tank

13. Manickam

14. Kumaran

15. S.L.Narayanan

16. Rajagopal

17. Rajendran

18. Lakshmanan

19. Rajalingamoorthy

20. Selvakumar

21. Anbu

22. Rajam

23. Abbu @ Mathavan

24. Saravanababu

25. Mathavan

26. Gangadharan

27. Ravi

28. Palani

29. Sivagnana Sampanthan @ Adurar Ayyar

30. Uma

31. Kaipillai @ Raja

32. Rajaraman

33. Ramamirtham



34. Karthi

35. Komala

... Respondents 13 to 35 encroachers
in Pappakulam Tank

36. The Executive Officer,
Town Panchayat,
Aaduthurai,
Thiruvudaimaruthoor Taluk,
Thanjavur District.

(R-36 is *suo motu* impleaded
vide order dated 25.09.2025)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Mandamus, to direct the respondents 1 to 6 to remove the encroachment made by respondents 8 to 36 in the interest of the general public of Melamaruthuvakudi Village and to protect the tanks situated in Melamaruthuvakudi. The tank namely Nagalkulam comprised in survey Nos.364, measuring an extent of 1/57 ares, the tank namely Pillaiyarkulam comprised in survey No.181/5 measuring an extent of 0.42.5 ares, the tank namely Pappakulam comprised in survey No.236/4 measuring an extent of 0.02.11 ares and the tank namely Thattarakulam comprised in No.442/33 measuring an extent of 0.37.0 within a time frame fixed by this Court and restore the same in its entirety.

For Petitioner : Mr.I.Velpradeep

For R-1 to R-6 : Mr.M.Gangatharan,
Government Advocate.

For R-9toR-13,
R14,R21,R-22&R29 : No appearance.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the official respondents.

2. The petitioner is a resident of Melamaruthuvakudi Village. The petitioner alleges that in the petition-mentioned survey numbers, there are encroachments and illegal constructions.

3. The learned Government Advocate on written instructions confirms that the petition-mentioned survey numbers have been classified as water bodies. Once this factual aspect is conceded, the consequences have to follow. If any illegal construction had been put up in the petition-mentioned water bodies, the same will have to be necessarily removed. The only concession that can be given is time to vacate. It is stated that notices have already been issued. This process has to be taken to its logical conclusion. Within a period of six months, all the encroachments in the petition-mentioned water body shall be removed and the water body shall be restored to its original



condition. Survey No.364 is admittedly a water body and an indoor stadium had been constructed in the year 2022-23. We can only express our surprise and shock that in the year 2023-23, a water body had been allowed to be converted into a sports stadium. That it was put up by using MP funds cannot be a consideration. It shall also be removed within a period of six months from the date of receipt of a copy of this order. We remind the respondents that the Hon'ble First Bench recently passed the following order in ***W.P.29422 of 2025 (Prakasam Vs. The District Collector Mayiladuthurai District) vide order dated 08.10.2025:-***

“4. We find that, in many cases, various public buildings are being constructed on water bodies. Such constructions obviously must have been permitted by an authority, under his sanction, without verifying from the records as to the nature of the land.

5. We, accordingly, are inclined to direct the State Government to issue necessary directions/circular to the effect that if any public building/institution is found constructed on a water body, appropriate disciplinary action and action towards recovery of monetary loss caused to the public exchequer shall be initiated against the



authority, who granted sanction for construction.”

This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
16th October 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Collector,
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