



WEB COPY



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W.P.(MD)NO.25778 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.25778 of 2025 AND

W.M.P.(MD)No.20176 of 2025

Eswari

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

3. The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.

4. Murugan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 and 3 herein from demolishing the Kaliasman Kovil, Sakthi Vinayagar Kovil, Hall, Water Tank and Syntax tank situated in survey No.329, M.Duraisampuram Village, Sivakasi Town,



Virudhunagar District in view of the representation dated 15.09.2025.

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For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.C.Venkatesh Kumar,
Special Government Pleader for R-1 & R-3.

Mr.M.Siddharthan,
Additional Government Pleader for R-2.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3.

2. The writ petitioner is in occupation of a water body. That she is an encroacher is not in doubt. She has been granted five months time to vacate vide order dated **04.09.2025 in W.P.(MD) No. 23980 of 2025(Venkadasamy Vs. The District Collector, Virudhunagar)**. The only request made by the petitioner is that till she and other encroachers vacate, the petition-mentioned water tank and syntax tank need not be demolished. Her contention is that if the



petition-mentioned water tank is demolished now itself, the occupants will be left without any source of water.

3. We find this request to be resasonable. We therefore direct the authorities to demolish the petition-mentioned water tank and syntax tank only, after the encroachers vacate the petition-mentioned water body. We also make it clear that while Kalamman temple which is mentioned in UDR may be protected, the same protection need not be given to Sakthi Vinayagar temple. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
18th September 2025

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

PMU



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W.P.(MD)NO.25778 OF 2025

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The Tahsildar,
Sivakasi Taluk, Virudhunagar District.
3. The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk, Virudhunagar District.

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