



W.P(MD)No.32241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.11.2025

CORAM

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

**W.P(MD)No.32241 of 2025
and
W.M.P(MD)No.25360 of 2025**

Chelladurai

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Taluk Office,
Kovilpatti,
Thoothukudi District.
- 4.Manickam



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5. The Commissioner,
Kovilpatti Municipality,
Thoothukudi District.
*(R.5 is impleaded vide order
of this Court dated 20.11.2025)*

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the Oodai (Water Body) located in S.F.No.15 situated at Athaikondan Kanmai, Kovilpatti, Thoothukudi District, by considering the petitioner's representation dated 02.09.2025 within the stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.M.Gangadharan
Government Advocate
for R.1 to R.3

Mr.J.Parekh Kumar for R.5

ORDER

The petitioner is a resident of Kovilpatti. He alleges that the fourth respondent has committed encroachment in respect of Survey No.15 which has been classified as “water body”. It is said to vest in the fifth respondent (local body). The fifth respondent is empowered under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 to remove such encroachments.



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2.We direct the fifth respondent to issue notice to the fourth respondent. The fourth respondent shall be given an opportunity of hearing. If the fifth respondent is satisfied that there is an encroachment, it shall be removed by following the procedure set out under the said provision. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order. Since this Writ Petition is disposed of without putting the fourth respondent on notice, we make it clear that all the defences of the fourth respondent are left open.

3.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
20.11.2025

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

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Kovilpatti,
Thoothukudi District.

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