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W.P.(MD)NO.33024 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.33024 of 2025

S.S.Muthurajan

... Petitioner

Vs.

1. The Revenue and Disaster Management,
Chief Secretariat,
Chennai.
2. The District Collector,
O/o.the District Collector,
Virudhunagar District.
3. The District Revenue Officer,
District Revenue Office,
Virudhunagar.
4. The Tahsildar,
O/o.the Tahsildar,
Watrap Taluk,
Virudhunagar District.
5. Kalasalingam and Anandammal Charities,
A registered trust (having No.60/1983),
Rep.by Trustee having office at
Anand Nagar, Krishnan Kovil,



Watrap Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in watercourse and watercourse peripheral poramboke land under the control of the Government-owned Public Works Department located in Virudhunagar District, Srivilliputhur Taluk, Kunnoor Village survey Nos.582, 582/1, 582/2 and 521/1 within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.Ponsaravanan

For R-1 to R-4 : Mr.C.Venkatesh Kumar,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 4.



2. Issuance of notice to the fifth respondent is dispensed with.

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3. The petitioner seeks removal of the encroachment in the petition-mentioned survey numbers. It is specifically alleged that the fifth respondent which is an educational institution has put up building in the said water course. The fifth respondent had earlier filed W.P.(MD)No.21497 of 2023 challenging the action taken by the authorities for removing the encroachment. The writ petition was dismissed by us on 14.03.2024. However accepting the request made by the fifth respondent herein(writ petitioner therein), we granted six more months to them to physically remove the building in question. It was subject to the condition that the fifth respondent herein filed the affidavit of undertaking to remove the building in question within the aforesaid period. Thereafter, the fifth respondent had written a letter dated 23.04.2024 which reads as follows:-



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Thiru. T. Kalasalingam
Founder Chairman

"Vignesh"
Dr. K. Sridharan
Chancellor

Dr. S. Narayanan
Vice-Chancellor

பெறுவர் :

தாள் : 23.04.2024

வட்டாட்சியர் அவர்கள்,
வத்திரையிருப்பு தாலுகா,
விருதுநகர் மாவட்டம்.

மகிப்பிற்றூரில் ஐயா.

பெறுவர் :

ஆக்கிரமிப்பு - விருதுநகர் மாவட்டம், வத்திரையிருப்பு வட்டம் -
குன்றூர் கிராமம் புல எண் 582/1 ஐடை என கிராமக் கணக்கில்
நாச்சலாக்கியதில் ஆக்கிரமிப்பு செய்யப்பட்டுள்ளது - சென்னை
உயர்நீதிமன்ற மதுரைக் கிளை வழக்கு எண் W.P (MD) No. 21497/2023
மற்றும் W.M.P (MD) No. 17885/2023 மற்றும் 17886/2023 தீர்ப்பு நாள்
14.03.2024-ல் படி நடவடிக்கை எடுக்க கோரியது தொடர்பாக
பார்க்கலாம் :

1. விருதுநகர் மாவட்ட ஆட்சியர் அலுவலக கடித எண்
த.க.அ 2/00785/2017 நாள் 25.03.2023.
2. சென்னை உயர்நீதிமன்ற மதுரைக் கிளை வழக்கு எண்
W.P (MD) No. 21497/2023 மற்றும் W.M.P (MD) No. 17885/2023
மற்றும் 17886/2023 தீர்ப்பு நாள் 14.03.2024.
3. வத்திரையிருப்பு வட்டாட்சியர் அலுவலக கடித எண்
த.க.அ 4/1272/2024 நாள் 03.04.2024.

பார்க்கலாம் 3-ல் காணும் கடிதத்தில் விருதுநகர் மாவட்டம், வத்திரையிருப்பு
தாலுகா, குன்றூர் கிராமத்தில் இயங்கி வரும் எல்கனா கலாசாலாவும் பல்சைலக்கழக
கல்வி நிறுவனத்தால் செய்யப்பட்டுள்ள ஆக்கிரமிப்புகளை அகற்றுவது தொடர்பாக
பார்க்கலாம் 2ல் கண்ட சென்னை உயர்நீதிமன்ற மதுரைக் கிளை வழக்கு எண் W.P (MD)
No. 21497/2023, W.M.P (MD) No. 17885/2023 மற்றும் 17886/2023 தீர்ப்பு நாள் 14.03.2024ல்
அக்கரவிட்டுள்ளபடி செய்யப்பட்டுள்ள ஆக்கிரமிப்பினை ஆறு மாத காலத்திற்குள்
அகற்றிக்கொள்ள உத்தரவிடப்பட்டிருந்தும் உறுதிமொழி பத்திரம் தாக்கல்
செய்யப்பட்டுள்ளது என்பதை தங்களுக்கு தெரிவிப்படுத்திக்கொள்ளுகிறோம்.

இணைப்பு :

1. உயர்நீதிமன்றத்தில் தாக்கல் செய்த
உறுதிமொழி பத்திர நகல்.

இயல்பு

பதிவாளர்
கலாசாலாவும் பல்சைலக்கழகம்

Trust Office : No. 52 (Old NO. 14), Sriman Srinivasan Road, Alwarpet, Chennai - 600 018, India
Phone : 044-24353370, Fax : 044-24331153



The affidavit of undertaking given by the fifth respondent reads as

WEB COPY follows:-

IN THE HIGH COURT OF JUDICATURE AT MADRAS,
MADURAI BENCH
(Special Original Jurisdiction)

W.P.(MD) No. 21497 of 2023

Kalasalingam and Anandammal Charities,
A registered trust (having No. 60/1983),
Rep. by Trustee having office at
Anand Nagar, Krishnankovil,
Wairap Taluk,
Virudhunagar District,
Through its President.

.. Petitioner

-Vs-

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariate,
Chennai-9.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The District Revenue Officer,
Virudhunagar,
Virudhunagar District.
4. The Tahsildar,
Wairap,
Virudhunagar District.

.. Respondents

UNDER TAKING AFFIDAVIT FILED BY THE PETITIONER

I, K. Sridharan, Son of Late Sri Kalasalingam, Hindu, aged about
years, having office at Anand Nagar, Krishnankovil, Wairap Taluk,
Virudhunagar District, now temporarily come down to Madurai, do hereby
solemnly affirm and sincerely state as follows:-

Page No: No of Corams:

K. Sridharan



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1. I submit that the present Writ Petition is filed challenging the selection proceedings issued by the District Collector, dated 07.06.2021 and the consequential proceedings of the 1st Respondent Government dated 14.08.2023.

2. I respectfully submit that a portion of building is constructed in the water course channel comprised in S.No. 582/1, Kunur Village, Watrap Taluk, Virudhunagar District. The Petitioner trust is having more than 150 Acres of land in the same location. It is submitted that the Petitioner trust is taking effective steps to remove the building by way of shifting through modern techalics and identified the technicians. The Petitioner trust is hereby agreed to relocate the building from the present place beyond the water channel comprised in S.No. 583/1, within a period of 6 months. The undertaking may be recorded and time may be granted to complete the process of shifting.

It is therefore prayed that this Hon'ble Court may be pleased to accept this affidavit and pass suitable orders and thus render justice.

Solemnly affirmed at Madurai
on this the 14th day of March
2024 and signed his name
in my presence.

Before me
K. Pritharan
Advocate : Madurai.



4. As per the undertaking given by the fifth respondent, the encroachments should have been cleared by them on their own before the end of October 2024. We are now in November 2025. More than a year has elapsed. The fourth respondent is directed to remove the encroachment in question, if there is no other legal impediment. In other words if the fifth respondent is not armed with another judicial order in his favour, the encroachment has to be removed without any further delay. This writ petition stands allowed on these terms. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
20th November 2025

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

To:

1. The Revenue and Disaster Management,
Chief Secretariat, Chennai.
2. The District Collector,
O/o.the District Collector, Virudhunagar District.
3. The District Revenue Officer,
District Revenue Office, Virudhunagar.
4. The Tahsildar,
O/o.the Tahsildar, Watrap Taluk,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

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