



W.P(MD)No.31397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM

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

W.P(MD)No.31397 of 2024

Saravanan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai City.
- 3.The Assistant Commissioner,
Madurai Municipal Corporation,
Madurai South Region,
Madurai City.
- 4.The Revenue Divisional Officer,
Melur, Madurai District.
- 5.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 6.S.Kavitha



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7.P.M.Ganesan

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to take appropriate action to remove the encroachment put up by the respondents 6 and 7 and to restore Oorani situated at Survey No.103, Chinna Anuppanady Village, Madurai South Taluk, Madurai District and ensure the water body is free from the encroachment and it is available for public use within time stipulated by this Court.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1, R4 & R5.
Mrs.Devasena,
Standing Counsel for R2 & R3.
Mr.R.Velmurugan for R6.
No appearance for R7.

ORDER

Heard both sides.

2.It is not in dispute that S.No.103, Chinna Anuppanady Village has been classified as water body. Unfortunately, several government buildings have already been put up in the said water body. According to



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the learned standing counsel for the corporation, some of them were put up some 30 / 40 years back. We restrain the respondents from renovating or putting up any further construction in the water body. If a building has become dilapidated and it is not functional, it shall be taken down and the debris also removed. By adopting this approach, we hope in 20 / 30 years time, it will possible to restore the water body.

3.The learned counsel for the petitioner states that the respondents 6 and 7 have committed encroachments.

4.The learned counsel for the sixth respondent states that construction has been put only in her patta land and not in the water body. The sixth respondent has no objection for removing the encroachment, if any found in the water body.

5.We direct the jurisdictional Taluk Surveyor to conduct survey at S.No.103, Chinna Anuppanady Village from 09.00 am on 15.02.2025. Neither the petitioner nor the private respondents will receive any independent notice. The Taluk Surveyor will be accompanied by the



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Town Surveyor, Madurai Corporation also. If encroachments are noticed, they shall be removed immediately thereafter.

6.This writ petition is disposed of accordingly. No costs.

(G.R.S.J.) & (B.P.J.)
06.02.2025

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

Issue order copy on 07.02.2025.

To:-

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai City.
- 3.The Assistant Commissioner,
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Madurai District.

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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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