



W.P(MD)No.2621 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.2621 of 2026

and

W.M.P(MD)No.2202 of 2026

K.Ramakrishnan

.. Petitioner

Vs

- 1.The District Collector,
The Collectorate,
Theni District.
- 2.The Project Director (Development),
Office of the Project Director (Development),
Collectorate, Theni District.
- 3.The Commissioner,
Andipatti Panchayat Union,
Theni District.
- 4.The Executive Officer,
Marikundu Panchayat Union
Marikundu, Andipatti Taluk,
Theni District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus refraining the respondents from construction an overhead water tank in S.F.No. 147/14A1 in Marikundu village, Andipatti Taluk, Theni District within the time stipulated by this court.



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For Petitioner : Mr.R.Manoharan

For Respondents : Mr.D.Sadiq Raja
Addl. Govt. Pleader

ORDER

The petitioner has approached this Court seeking to restrain the respondents from constructing an overhead water tank in S.F. No.147/14A1, situated in Marikundu Village, Andipatti Taluk, Theni District.

2. The petitioner had formed an unapproved layout in the said land, wherein certain portions were earmarked for public purposes. The fourth respondent Panchayat, claiming that the land so earmarked for public purpose vests with it, commenced construction of an overhead water tank for the benefit of the general public.

3. Aggrieved by the same, the petitioner has filed the present writ petition contending that the land earmarked for public purpose has neither been handed over nor formally surrendered in favour of the fourth respondent, and therefore, the fourth respondent has no authority to proceed with the construction.

4. However, the petitioner has filed an undertaking affidavit stating that he is willing to execute a gift deed in respect of an extent of 3 cents of land on the western



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side of his patta land in favour of the fourth respondent Panchayat for the purpose of constructing an overhead water tank. The petitioner has further undertaken to gift a total extent of 8 cents, inclusive of the said 3 cents, on the western side of his land in favour of the fourth respondent Panchayat for the purpose of obtaining approval for a fresh layout.

5. The said undertaking is placed on record.

6. In view of the above, the petitioner is directed to execute a gift deed in favour of the fourth respondent Panchayat in respect of an extent of 3 cents of land within a period of eight weeks from the date of receipt of a copy of this order. Upon such execution, the fourth respondent is at liberty to proceed with the construction of the overhead water tank in the said extent of 3 cents. The petitioner is also directed to execute a gift deed in respect of a total extent of 8 cents, inclusive of the said 3 cents, in favour of the fourth respondent Panchayat within the same period, for the purpose of regularisation/approval of the layout. The extent of land so gifted shall be taken into account for the purpose of regularisation of the unapproved layout formed by the petitioner.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

09.04.2026

NCC : Yes/No

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Index : Yes/No

Internet:Yes

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To

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HEMANT CHANDANGOUDAR, J.

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