



W.P(MD)No.4133 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.4133 of 2026
and
W.M.P(MD)No.3447 of 2026**

Ayyappan

... Petitioner

vs.

1.The Director,
Directorate of Municipal Administration,
Chennai-600 028.

2.The District Collector,
Tenkasi,
Tenkasi District.

3.The Commissioner,
Tenkasi Municipality,
Tenkasi District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents from constructing Overhead Water Tank in the Park located in Town Survey No. 129, Ward No.8, Tenkasi Municipality, Tenkasi District.

For Petitioner : Mr.R.J.Karthick
For R1 & R2 : Mr.P.T.Thirvaviam
Government Advocate
For R3 : Mr.P.Athimoola Pandian

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to forbear the respondents from constructing an overhead water tank in the park located in Town Survey No. 129, Ward No. 8, Tenkasi Municipality, Tenkasi District.

2. The main contention of the writ petitioner is that a children's park exists in Survey No. 129, Ward No. 8, and the land is earmarked as



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open space. It is contended that an old overhead water tank already exists and is being used. Without repairing the same, the respondents have now proposed to construct a new overhead water tank in another portion of the park, thereby reducing the park area.

3. The third respondent has filed a report stating that the existing overhead water tank, with a capacity of 1 lakh litres, was constructed during the year 1997–1998 and occupies an extent of 336 sq.m. It is further stated that a new overhead water tank, with a capacity of 5 lakh litres, is being constructed in an extent of 180 sq.m., and the remaining area will be utilized as a children's park.

4. When the matter was listed on 13.02.2026, this Court directed the third respondent to file an affidavit. Pursuant to the same, the third respondent filed an affidavit along with the work order for construction of the new water tank, stating that construction commenced on 15.10.2025 and is in progress. It is further stated that the existing old overhead water tank



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will be demolished after obtaining necessary approval from the competent authority upon completion of the new construction.

5. In view of the above, the respondents are directed to demolish the old water tank and ensure that the remaining area is maintained as a park, after completing the construction of the new overhead water tank over an extent of 180 sq.m.,

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
23.03.2026

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



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To

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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

am

ORDER MADE IN
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