



W.P(MD)No.4779 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.4779 of 2026

Justice A.Selvam (Retd.)

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat,
St. George Fort,
Chennai - 600 009.

2.The Principal Secretary,
Department of Rural Development
and Panchayat Raj,
Secretariat,
St. George Fort,
Chennai - 600 009.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Tahsildar,
Tirupathur Taluk,
Thirupathur,
Sivagangai District.



W.P(MD)No.4779 of 2026

5.The Block Development Officer (Panchayat),
Block Development Office,
Tirupathur,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to remove the Over Head Water Tank put by the respondents within the Karuppar Temple located in S.No.123/3 at Pulankurichi Village, Sivagangai District, by considering the petitioner's representations dated 11.03.2024 and 01.09.2025 respectively within a time stipulated by this Court in War footing manner.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mr.J.Ashok
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.This writ petition has been filed in public interest. The petitioner is none other than a former Judge of this Court, who served this Court with considerable distinction. He is a resident of Pulankurichi village. He points out that within the premise of Karuppar temple located in Survey No.123/3, an overhead water tank was illegally put up and that it



W.P(MD)No.4779 of 2026

should be removed. The contention of the writ petitioner is undoubtedly sound. But two aspects dissuade us from acceding to the petitioner's request.

3.Firstly, the tank is said to have been put up some 30 years ago. Secondly, it is catering to the needs of about 650 families. Since the water tank was put up several years ago, it may not be in the public interest to direct its removal at present. But it is likely to be replaced sometime in future. As and when such situation arises, the overhead water tank shall not be rebuilt in the same place. It shall be moved over to some land that may be acquired for the purpose or to any nearby sarkar poramboke land. In other words, within the temple premises, the overhead tank shall not be rebuilt.

4.The Government or the local body had no right to put up the water tank within the temple premises. It was a clear act of trespass. Therefore, for having used the temple site for the last 30 years and for the foreseeable future, the District Collector is directed to quantify the compensation and the same shall be credited to the account of the temple. The said amount shall be paid towards damages for use and occupation.



W.P(MD)No.4779 of 2026

5.The learned counsel appearing for the petitioner states that even a portion of the temple land was sought to be used for solid waste management purposes. We make it clear that the cleanliness and the sanctity of the temple premises must be maintained intact. From the A-Register it is seen that the temple premises are spread over to an extent of 57 ½ cents. No new construction shall be put up within the temple premises.

6.With the aforesaid directions to the respondents, this Writ Petition is disposed of. No costs.

[G.R.S., J.] [R.K.M, J.]
20.02.2026

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

To

- 1.The Chief Secretary,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Principal Secretary,
Department of Rural Development
and Panchayat Raj,
Secretariat, St. George Fort,
Chennai - 600 009.



W.P(MD)No.4779 of 2026

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3. The District Collector,
Sivagangai District,
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4. The Tahsildar,
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W.P(MD)No.4779 of 2026

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MGA

W.P(MD)No.4779 of 2026

20.02.2026