

W.P.(MD)No.2441 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.(MD)No.2441 of 2022
and
W.M.P.(MD)Nos.2119 and 2120 of 2022**

Rajali Periyasamy

... Petitioner

Vs.

1.The Assistant Engineer,
Water Resolution Department RC Section,
Srirangam, Trichy District.

2.The Thasildar,
Srirangam Taluk,
Trichy District.

3.The Revenue Inspector,
Srirangam, Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus to call for the records Pertaining to the impugned notice issued by the 1st respondent dated 24.01.2022 and quash the same as illegal and consequently directing the 1st respondent not to demolish the Sri Chakra Anna Kamatchi Sitha Maha Sivasakthi Peedam Temple Buildings which



W.P.(MD)No.2441 of 2022

situated in Ward-A Survey No.T.S.No.759 in Block 20 to the extent of hector 4.6533.5 Sq Mtrs and in Ward-A Block No.21 in T.S.No.782 to the extent of Hector 2.5482.5 Sq. Mtrs. situated at Melur Village, Srirangam Taluk, Trichy District.

For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.T.Amjadkhan,
Government Advocate.

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.Technically speaking, we should quash the impugned notice and allow the writ petition. The learned counsel appearing for the petitioner is right in his contention that the respondents have not followed the due process of law. All the three forms, namely, Form I, Form II and Form III were issued in quick succession. Survey was also not conducted in the petitioner's presence. Therefore, we should actually quash the impugned notice and remand the matter. But then, we do not want to grant relief to the petitioner for two reasons. (a) admittedly, the portion in occupation of the writ petitioner is a river poramboke. (b) The petitioner appeared to

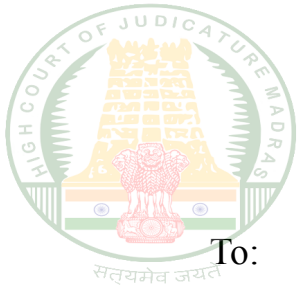


W.P.(MD)No.2441 of 2022

have got into possession as sub-lessee. Subsequently, the department had been receiving lease rent directly from the writ petitioner. But then, the department stopped receiving rent from the writ petitioner from 2009 onwards. We failed to understand as to how the Water Resource Department could have even granted lease in respect of river poramboke. Such actions are impermissible in law. Only if there is a dispute regarding identification, there has to be survey. In this case, there is no dispute regarding identification. The petitioner is in occupation of a portion of a river poramboke. That is why, even though we agree with the submissions of the learned counsel for the petitioner, we decline to interfere. The writ petition stands dismissed. However, the writ petitioner is given four months from today ie., 20.04.2026, to shift the religious structure to the alternative site. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.) & (R.P. J.)
20.04.2026**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)No.2441 of 2022

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W.P.(MD)No.2441 of 2022



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W.P.(MD)No.2441 of 2022

G.R.SWAMINATHAN, J.
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W.P.(MD)No.2441 of 2022

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