

W.P(MD)No.10978 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.04.2026

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR. JUSTICE P.VADAMALAI

W.P(MD)No.10978 of 2026
and
WMP(MD)Nos.8555 and 8557 of 2026

N.Manikandan

... Petitioner

vs.

1. The Commissioner,
Madurai Municipal Corporation,
Aringar Anna Maligai,
Madurai - 625 002.

2. The Superintending Engineer,
Public Works Department,
Madurai - 625 002.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to close all the food stalls functioning in the Vandiyur Park, K.K. Nagar, Madurai District and to restrain the visitors from bringing plastic materials into the park and for consequential direction restraining the 1st respondent from installing any amusement structures such as giant wheel, etc., inside the park, and from collecting entry fee from the visitors.

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For Petitioner	: Mr.C.Arul Vadivel @ Sekar Senior Counsel for M/s.S.Bharathi
For R1	: Mr.N.Dilipkumar Standing Counsel
For R2	: Mr.S.P.Maharajan Special Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The present writ petitioner has filed the Public Interest Litigation with the following prayer:

"To issue a Writ of Mandamus, directing the respondent No.1 to close all the food stalls functioning in the Vandiyur Park, K.K. Nagar, Madurai District and to restrain the visitors from bringing plastic materials into the park and for consequential direction restraining the 1st respondent from installing any amusement structures such as giant wheel, etc., inside the park, and from collecting entry fee from the visitors."



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2. The petitioner has also sought for an interim direction and interim injunction as stated below:

"To grant an order of Interim Direction, directing the 1st respondent to close all the commercial shops functioning inside the Vandiyur Park in K.K. Nagar, Madurai District pending disposal of this writ petition."

"To grant an order of Interim Injunction, restraining the 1st respondent from installing any amusement structures like giant wheel, etc., in the Vandiyur Park in K.K. Nagar, Madurai District pending disposal of this writ petition."

3. Heard Mr.C.Arul Vadivel @ Sekar, learned Senior Counsel appearing for the petitioner who would submit that insofar as the Vandiyur lake at the Madurai Municipal Corporation limit is concerned, it is one of the large surviving lake with Ayacutdars also within the municipal limit of Madurai Corporation. In order to improve and beautify the said water body, it seems that the Government has come out with some proposal by spending huge money to the extent of nearly about Rs.50 Crores for the rejuvenation purpose. Even at that time, a



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litigation had come up in W.P(MD)Nos.17935 and 28316 of 2024 filed by one M.Pozhilan and R.Manibharathi, where initially interim order has been granted. Subsequently, the main writ petitions were disposed of by order dated 19.12.2024, where the following orders have been passed:

"9.These writ petitions are disposed of with the following directions:

(i) The restraint orders passed against the official respondents in these writ petitions stand modified.

(ii) The project envisaged by G.O. (3D)No.1, Municipal Administration & Water Supply (MC.7) Department, dated 04.03.2023 can be implemented subject to the restrictions set out in Rule 4 of the Wetlands (Conservation and Management) Rules, 2017.

(iii) Within eighteen months from today, the Vandiyur Tank should become absolutely pollution free.

(iv) Motorized boats shall not be permitted to ply in Vandiyur Tank.

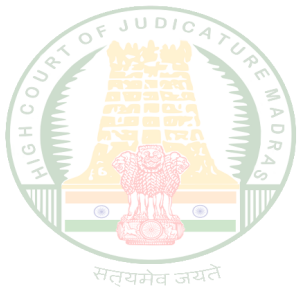
No costs. Consequently, connected miscellaneous petitions are closed."



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4. It is brought to our notice by the learned Senior Counsel appearing for the petitioner that in the earlier litigation, the stand of the WRD i.e., Water Resources Department, Madurai, and the Corporation of Madurai through its Commissioner is entirely different, as it has been pointed out by him that in the status report filed by the Superintending Engineer, WRD, Periyar Vaigai Basin Circle, Madurai, in W.M.P(MD)No.15370 of 2024 in W.P(MD)No.17935 of 2024, the following has been stated:

"5. It is submitted thereafter, on 10.7.2024, the Executive Engineer, WRD, Periyar Main Canal Division, Melur has sent a communication to the 3rd respondent The Commissioner, Madurai Corporation to stop the construction of shops. Further, on 24.9.2024, the Executive Engineer WRD, Periyar Main Canal Division, Melur has sought Report from the 3rd respondent Corporation with regard to development works in Vandiyur Tank Park. Thereafter, on 10.10.2024 the 3rd respondent has reported to the Executive Engineer, vide letter No.E1/004595/22 date: 10.10.2024 that only 14 small size Kiosk alone had been constructed



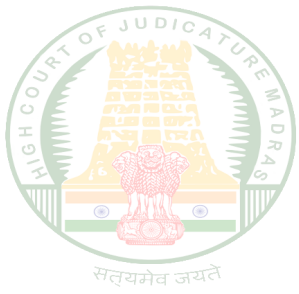
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and the same will be used for selling health Supplement products. In this regard inspection was conducted at Vandiyur Tank, on 03.08.2024 by 6th respondent along with WRD Engineers. Considering the vast space available, the built up area is useful but insignificant. However NOC has not been issued by WRD Department for building 14 kiosks. The site plan showing the Vandiyur Tank Park and its 14 kiosks are enclosed with this Status Report.

6. It is submitted that once the beatification and rejuvenation work is completed and the said Park is put into use, approximately 500 people would come to the Park for recreation purpose. In order to protect Eco system at Vandiyur Tank and the Park, considering only 14 small shops were constructed by the Corporation, it has been decided not to grant any permission for using those 14 shops for any commercial Food Courts Stalls. Selling of eatables items are not permissible. But the 14 shops constructed by the Corporation can be utilized for other purpose like Ticket Counter, Playing Room,



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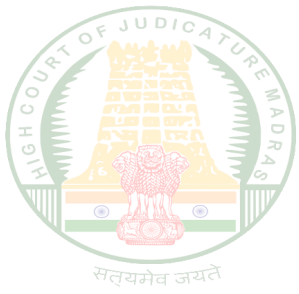


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Generator Room, WRD Monitoring Room, Reading Room, Indoor activities and Store Room for life jackets. Food selling kiosks inside the Park at Vandiyur Tank would affect Eco friendly system. Instead of using those 14 shops for food and eatable items, those 14 smaller shops can be utilized for other purposes as mentioned above.

7. It is submitted that every day, approximately 500 visitors would visit Vandiyur Tank for recreational purpose. As stated by Madurai Corporation to use those 14 shops constructed by the Madurai Corporation to use the same for other purpose rather than utilizing for selling food items. It is open to the Madurai Corporation to utilize those 14 constructed shops for establishing Ticket Counter, playing room, Generator room, and WRD Monitoring Room, Reading Room, Indoor activities, Store Room for life jackets etc.

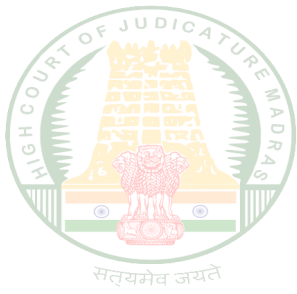
8. It is submitted that all facts pertaining to this writ petition is brought before the Hon'ble Court and it is prayed that appropriate order may be passed to render justice."



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5. It is also brought to our notice that in W.P(MD)No.28316 of 2024 filed by R.Manibharathi on the very same issue, it was the stand taken by the Madurai Corporation that no commercial activities would be undertaken by the Corporation in the Vandiyur lake area under the guise of improving and rejuvenating the lake and the 14 rooms that have been constructed are not for any commercial purpose and it is for different purposes and that has also been explained by the Commissioner, Corporation of Madurai, in his counter affidavit which reads thus:

"9. I deny the following averments stated in para 12 & 13 It is submitted that the R2 to R4 after analyzing the DPR alone had granted permission to the Corporation. The DPR was also evaluated and scrutinized by the expert committee of Directorate of Municipal Administration (DMA) office and only then the G.O. was passed. Thereafter only, construction works were started, the Corporation has constructed 14 small rooms for various utilities. There are 3 entrances and Corporation is expecting more than 500 people would visit the Park for Boating, Walking and other entertainment purposes. Considering all the aspects, the Corporation after obtaining



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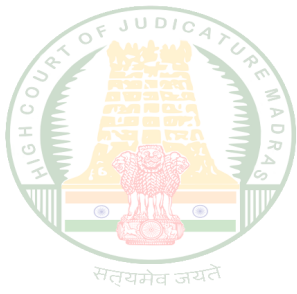


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permission from Public Works Department has so far constructed the 14 small rooms for the following utilities:

- A. Life Jacket Store Room*
- B. Generator Room*
- C. Clinical Lab*
- D. Entrance Counter*
- E. Providing Organic Foods (Soup, Millets etc.,) to the visitors, Senior Citizens*
- F. Indoor Playing Rooms*
- G. Drinking Water (RO Plant Room)*
- H. Room for workers*
- I. Monitoring Monitoring Room etc.*

10. It is submitted that the writ petitioner on his own speculation and assumptions approached this Hon'ble Court by alleging that the Corporation is doing commercial ventures in the park is absolutely wrong. The small rooms were constructed for various activities. The Project has to be completed within 31 December 2024. There are various factors to be considered for general public. Basic amenities have to be provided for the visitors who visits the Park, Further, the senior citizens and general public are demanding the



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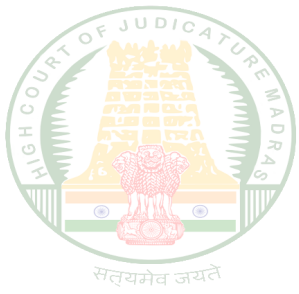


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Corporation for reserving the constructed space for selling organic soups, millets and other healthy products like soups, millets for general public and visitors."

6. Based on these stand taken by the WRD and the Madurai Corporation, ultimately the writ petitions were disposed of by order dated 19.12.2024 as stated supra, where the ultimate order of the Division Bench is permitting the Corporation to go ahead with the project as envisaged in G.O(3D)No.1, Municipal Administration & Water Supply (MC.7) Department, dated 04.03.2023 to be implemented but subject to the restrictions set out in Rule 4 of the Wetlands (Conservation and Management) Rules, 2017.

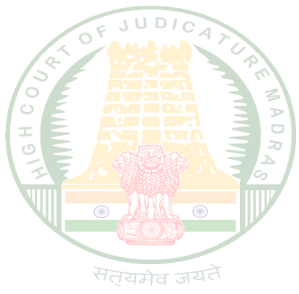
7. The relevant rule also had been extracted in the order of the Division Bench where it is also one of the sub rules i.e., Rule 4(vi) that any construction of a permanent nature except for boat jetties within the fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of the rule, is prohibited.



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8. Pointing out all these factors, learned Senior Counsel would further submit that, despite the undertaking having been given both by the WRD as well as the Madurai Corporation in the earlier proceedings and despite the orders having been passed by the Division Bench in the earlier order dated 19.12.2024 as stated supra, the Madurai Corporation has started slowly exploiting the 14 rooms constructed for commercial purposes and in order to substantiate his allegation, he has produced a series of photographs which suggest that majority of those rooms are being utilised as shops for the purpose of selling eatables and other items.

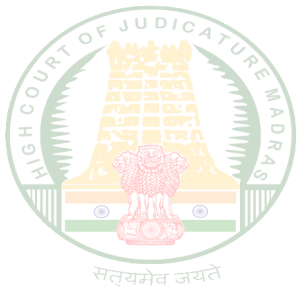
9. It is also a proposal by the Madurai Corporation to have an Amusement Park by putting up large giant wheel for which, necessary equipments have been procured and stored there. At any point of time the erection of such giant wheel in the Amusement Park would be undertaken by the Madurai Corporation that is what been suggested in the photographs filed in this regard.



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10. Though an attempt has been made by Mr.N.Dilipkumar, learned Standing Counsel appearing for the Madurai Corporation that the rule has not been flouted and the 14 rooms constructed for various purposes cannot be or not being utilised for commercial purposes and only for the purpose of children to have a small playing area at the time of their visiting Vandiyur lake alone is planned and being implemented and no such giant wheel like programs, would be implemented on the banks of the Vandiyur lake and also no fee would be collected from the visitors who visit the Vandiyur lake especially, the walkers who want to take daily morning and evening walking on the banks of the Vandiyur lake, we are not impressed with the said submission made by the learned counsel for the Madurai Corporation as the documents which have been placed before us for our perusal have collectively suggested that the rules have been violated despite the orders having been passed by the earlier Division Bench and also their own undertaking given not only by the WRD, but also by the very same Madurai Corporation before this Court as has been indicated herein above.



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11. If these activities as has already been undertaken or proposed to be undertaken by the Madurai Corporation in violation of the rules and their earlier undertaking, are permitted to continue any further, that will hamper the very atmosphere of the lake which is one of the major lakes under usage with Ayacutdars also. When such being the position, the relevant rules as stated supra would squarely apply to the said lake also. Therefore, the Madurai Corporation does not have any jurisdiction to enter upon the lake in violation of the said rule especially, under Rule 4 as stated supra.

12. Moreover, because of the commercial activities being permitted, large number of littering is taken place where the plastics are being used and has been thrown indiscriminately that also been suggested by various photographs filed by the petitioner. Therefore, it has become necessitated to restrain the respondents especially, Madurai Municipal Corporation from venturing into any commercial activities in the Vandiyur lake or its banks or its vicinity or park, as that would hamper the very atmosphere of the lake and also it will hamper the protection of the water body. Therefore, we are constrained to pass the



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following interim orders:

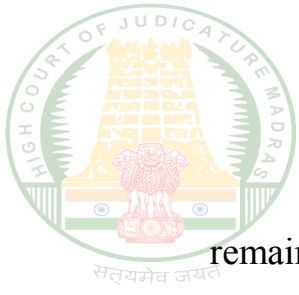
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(i) That there shall be an injunction restraining the 1st respondent Madurai Corporation from erecting or putting up any further amusement equipment without the specific leave of this Court.

(ii) Also, there shall be an interim direction to the respondent Madurai Corporation to forthwith close down the commercial activities that has been entrusted to various private people in the 14 rooms / buildings constructed on the banks of the Vandiyur lake as the same had not been constructed for any commercial purposes and only for specific purposes as undertaken by them only for the purpose of boating and other activities which are permissible within the rules.

(iii) Also, the respondent Corporation are restrained from collecting any fee or money from the visitors to the Vandiyur lake for any lawful purpose like walking, sitting for a while and the children playing only in the limited area.

(iv) The opening time of the park including for the purpose of walking shall be between 06.00 a.m and 10.00 a.m and in the afternoon from 03.00 p.m to 08.00 p.m. During this period only, the visitors shall be allowed in the park and the banks of the Vandiyur lake. For the



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remaining time, no one shall be permitted to enter into it.

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(v) For the purpose of development of the park, the existing trees or vegetation shall not be cut off any more.

13. This interim orders shall be complied with scrupulously by the respondent Madurai Corporation who shall file an implementation report after one month.

14. Post the matter after one month.

[R.S.K., J.] & [P.V.M., J.]
17.04.2026

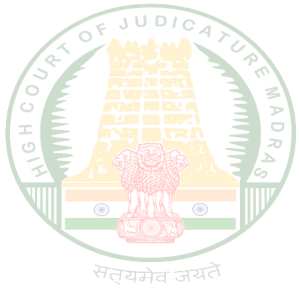
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To

1. The Commissioner,
Madurai Municipal Corporation,
Aringar Anna Maligai,
Madurai - 625 002.

2. The Superintending Engineer,
Public Works Department,
Madurai - 625 002.

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R.SURESH KUMAR, J.
AND
P.VADAMALAI, J.

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