

W.P(MD)No.9310 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.9310 of 2026
and
W.M.P(MD)No.7437 of 2026**

M.Raja

... Party-in-person

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Engineer in Chief and
Chief Engineer (General),
Public Works Department,
Chepauk, Chennai.
- 3.The Chief Engineer,
Water Resources Madurai Region,
Thallakulam, Madurai - 625 002.
- 4.The Executive Engineer,
Water Resources Periyar Vaigai Basin Division,
Thallakulam, Madurai - 625 002.



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5.The Assistant Executive Engineer,
Water Resources Periyar Vaigai Basin Sub Division-II,
Tallakulam, Madurai – 625 002.

6.The Assistant Engineer,
Water Resources Periyar Vaigai Basin Sub Division-II,
Kuppanampatti Section,
Thallakulam, Madurai - 625 002.

7.The Tahsildar,
Usilampatti Taluk,
Madurai District.

8.The Village Administrative Officer,
Poduvarpatti Village,
Parapatti Post,
Usilampatti Taluk,
Madurai District.

9.The Inspector of Police,
Uthappanayakanur Police,
Usilampatti Taluk,
Madurai District.

10.P.Surya

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 9 to take appropriate action to prevent the illegal fish culture and polluting the tank water of Chinnakuravakudi Village in S.F.No.186 in Poduvarpatti Revenue Village, Usilampatti Taluk, Madurai District and ensure that the aforesaid water tank is protected from pollution and also direct the respondents 1 to 9 and initiate the Penal action against the 10th



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respondent for the offence of the polluting the tank water by considering petitioner's representation dated 17.02.2026.

For Petitioner : Mr.M.Raja, Party-in-person

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.8

Mr.K.Gnanasekaran
Government Advocate (Crl Side)
for R.9

Mr.G.Sakthi Rao for R.10

ORDER

The petitioner is a resident of Madurai. He alleges that the petition-mentioned Tank in Chinnakuravakudi village, Usilampatti Taluk is being polluted on account of the illegal fish culturing. According to him, the tenth respondent is engaged in the said activity. He wants remedial action to be taken.

2.The said tank vests with the Water Resources Department.
When the writ petition was taken up for hearing last week, the learned

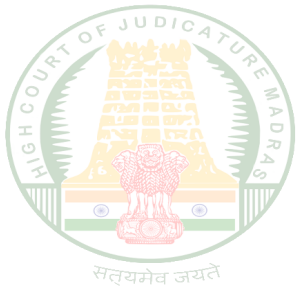


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Additional Government Pleader, on instructions from

Thiru.Radhakrishnan, Assistant Engineer, WRD, submitted that no such activity as alleged by the petitioner had taken place. However, the petitioner who appeared in person asserted that he can be levied with exemplary costs if his allegation is found to be false.

3.After noting the petitioner's demeanour and his forceful assertion, we wanted to know from Thiru.Radhakrishnan if he was willing to resile from his stand. Thiru.Radhakrishnan stood firm and reiterated that no fish culturing has taken place in the petition-mentioned tank. We felt something fishy (pun intended). We requested Thiru.K.K.Udayakumar, learned counsel who is practicing in the Madurai Bench to immediately rush to Chinnakuravakudi Village, conduct a field enquiry and report back. We also wanted him to collect water samples. Pursuant to our request, Thiru.K.K.Udhayakumar visited the village in question. His enquiry with the villagers revealed that the entire village had joined together and auctioned the fishery rights for the current season. The tenth respondent appeared to be the successful bidder. He collected two bottles of water from the said tank and handed them over to us in the next day.



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4. We sent both the samples to the Tamil Nadu District Level

WEB (Water) Testing Laboratory, Madurai. We received report dated

15.04.2026. It reads as follows :

TEST WATER BEFORE TASTE			
TAMILNADU WATER SUPPLY AND DRAINAGE BOARD			
District Level Water Testing Laboratory			
TWAD Board, Opp. Mattuthavani Bus Stand, Ganesh Nagar, Melur Road, Madurai - 625 007.			
TEST REPORT			
From Er. V. Sridhar, B.E., M.Tech., Assistant Water Analyst (I/c), District Water Testing Laboratory, Madurai.		To P. Solaimalai, Madurai Corporation, Madurai.	
Lr No. 1/AWA/MDT/MDU/2026/DL 15.04.2026.			
Sub: Examinati of Tank water sample test report furnished- Regarding. The result of analysis for the sample are as follows.			
Location: Koduvarpatti , China Kuravakudi Village, Usilampatti-TK, Madurai-Dt.		Date of Collection : 10.04.2026 Date of Receipt : 15.04.2026	
I. PHYSICAL EXAMINATION:	BIS Limit: (10500: 2012)		Location Tank 2176
	Acceptable limit	Permissible limit in the absence of alternative source	
1. Appearance	Clear		Heavy Turbidity
2. Colour (pt.co-scale)	Agreeable		Yellowish Colour
3. Odour	Unobjectionable		Mud smell
4. Turbidity NT Units	1	5	12
5. Total diss. Solids mg/l	500	2000	298
6. Electrical Conductivity Micro	-	-	426
II. CHEMICAL EXAMINATION:			
7. pH	6.5-8.5	6.5-8.5	7.25
8. Ph. Alkalinity as CaCO ₃	-	-	-
9. Total Alk. as CaCO ₃	200	600	148
10. Total Hardness as CaCO ₃	200	600	160
11. Calcium as Ca	75	200	40
12. Magnesium as Mg	30	100	17
13. Iron as Fe	0.3	1.0	1
14. Manganese	0.1	0.3	Less than 0.1
15. Free Ammonia as NH ₃	0.5	0.5	1
16. Nitrite as NO ₂	0.5	0.5	0
17. Nitrate as NO ₃	45	45	6.0
18. Chloride as Cl	250	1000	50
19. Fluoride as F	1.0	1.5	0.6
20. Sulphate as SO ₄	200	400	11.0
21. Phosphate as PO ₄	0.5	0.5	0.20
22. Tidy's Test 4 hrs. as O ₂	-	-	0.6
23. Residual Chlorine as RC	0.2	0.5	0.0
III. BACTERIOLOGICAL EXAMINATION:			
24. Faecal coliform per 100 ml	0	0/100 ml	Uncountable
Result: The given Tank water sample is physically chemically not potable and also Bacteriologically Contaminated.			
Assistant Water Analyst (I/c), District Water Testing Laboratory, Madurai.			
Note: All the Chemical Parameters are Expressed in mg/L.			



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It is crystal clear from the above report that the water in the said tank has been heavily polluted.

5. When the matter was taken up for hearing today, the Additional Government Pleader, unaware that we had received the lab report, repeated the earlier stand. We wanted to know if the department had given him written instructions. He answered in the affirmative and passed on the following letter received from Thiru.Boominathan, Assistant Executive Engineer. It reads as follows :



TNWRD

நீர்வளத்துறை

அனுப்புநர்

பொறி.சு.பூமிநாதன்,பி.இ.,

உதவிசெயற்பொறியாளர்,தி.வ.து.,

பெரியாறு வகை வடிநில உபகோட்டம்

எண்-11,மதுரை.

பெறுநர்

அரசு சலுகுதல் வழக்கறிஞர்.,

சென்னை உயர் நீதிமன்ற மதுரை கிளை.,

மதுரை.

கடித எண்.கோ. 34/2026/உ.செ.பொ 2/நாள் 16.04.2026

ஐயா.,

பொருள் :- மதுரை மாவட்டம், உசிலம்பட்டி வட்டம், சின்னக்குறவக்குடி கிராமம் (போடுவார்பட்டி கண்மாய்) - மனுதாரர் M.ராஜா - சென்னை உயர் நீதிமன்ற மதுரை கிளை வழக்கு எண் WP. (MD). 9310/2026 - சம்பந்தமாக.

கவனகவன

மதுரை மாவட்டம், உசிலம்பட்டி வட்டம், சின்னக்குறவக்குடி கிராமம் போடுவார்பட்டி கண்மாயில் மீன் பிடித்தல் தொடர்பாக சென்னை உயர் நீதிமன்ற மதுரை கிளை வழக்கு எண் WP. (MD). 9310/2026 -ல் 09.04.2026 அன்று மாண்புமிகு நீதி அரசர்களின் ஆணைப்படி தற்போது வரை இக்கண்மாய் நீர்வளத்துறையின் தொடர் கண்காணிப்பில் உள்ளது. மேலும் இக்கண்மாயில் எவ்விதமான மீன்பிடி செயல்களும் நடைபெறவில்லை எனவும் தொடர்ந்து இத்துறையின் கண்காணிப்பில் இருந்து வருகிறது எனவும் கண்காணிப்பு தொடர்பான புகைப்பட நகலையும் இத்துடன் இணைத்து பணிந்து சமர்ப்பிக்கப்படுகிறது.

இணைப்பு:-

1, புகைப்பட நகல் -4 எண்ணம்

உதவிசெயற்பொறியாளர்,தி.வ.து.,
பெரியாறு வகை வடிநில உபகோட்டம் எண்-11,
மதுரை

16.4.26

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The tenth respondent entered appearance through counsel who submitted that public auction is required to be conducted only if the auction value exceeds Rs.50,000/-, and not otherwise. He also indicated that the villagers had auctioned the fishing rights only to raise funds for the temple festival. He further questioned the credentials of the writ petitioner. According to him, the petitioner has encroached upon temple land and that the villagers have initiated action against him. He would characterise the instant writ petition as an outcome of personal vengeance.

6.The submissions of the learned counsel appearing for the 10th respondent might as well be true. If the petitioner has committed encroachment, it is for the authorities concerned to take action in the manner known to law. The conduct or credentials of the writ petitioner cannot deflect our attention from the main issue. The only question before us is whether the subject tank has been polluted or not.

7.There is a legal maxim “res ipsa loquitur” (the thing speaks for itself). Fish are found naturally in water. They are a rich source of protein. Fishing is a source of livelihood for thousands and thousands of

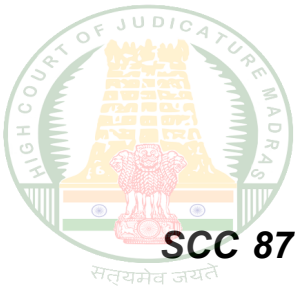


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people. In Bengal, fish offered to deities is taken as prasadam. Many

WEB BENGALIS believe that fish is a vegetarian item. Governments, both State and Central, have introduced policies to promote fish farming. But nature and culture do not always go together. In culture, the element of human intervention is prominent. When productivity and profit become the driving motive, nature becomes the casualty. That is why, we talk of sustainable development. Balance has to be struck. Sustainable development has the principle of inter generational equity as its justification. If we do not practice sustainable development, the coming generations will be deprived of what we are presently enjoying. But His Lordship Mr.Justice P.S.Narasimha recently observed in open court that concept of 'inter-generational equity' is an imported principle from the West and that it is anthropocentric. His Lordship flagged the inadequacy of the concept because it fails to take into account the fundamental fact that nature exists not just for human beings but also for the other living creatures such as birds and animals.

8.When aquaculture (intensive prawn farming) was seen to cause an extensive marine pollution and coastal degradation, the Hon'ble Supreme Court intervened in ***S.Jagannath v. UOI (1997) 2***

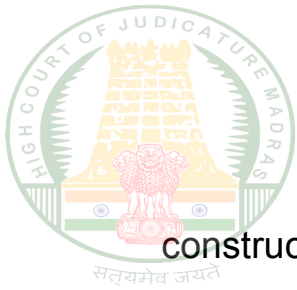


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SCC 87. In ***Virender Gaur v. State of Haryana (1995) 2 SCC 577***, it

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was held that the State has a duty to maintain ecological balance and hygienic environment. Article 21 protects the right to life as a fundamental right. Unless environment is protected and preserved and there is no pollution of air and water, life cannot be enjoyed. Environmental pollution including water pollution is regarded as violation of Article 21. In ***Vellore Citizens' Welfare Forum v. UOI (1996) 5 SCC 647***, it was held that the constitutional and statutory provisions protect a person's right to fresh air, clean water and pollution free environment. But the source of the right is the inalienable common law right of clean environment. Article 48A mandates that the State should endeavour to protect and improve the environment. Article 51A(g) mandates that it shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. The Water (Prevention and Control of Pollution) Act, 1974 was enacted to provide for maintaining and restoring the wholesomeness of water. Section 24 of the said Act prohibits any person to knowingly cause or permit noxious or polluting matter to enter whether directly or indirectly into any stream or well. The expression "well" has to receive purposive and expansive



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construction in view of the statutory context. We, therefore, hold that the expression “well” found in Section 24 or any other provision in the Water Act would include tanks and lakes also.

9.We take judicial notice of the fact that intensive fish culture demands use of poultry waste. It is cheap and easily available. Poultry waste is obviously a noxious and polluting matter. Dropping this in a lake in whatever quantity and for whatever purpose is definitely a violation of Section 24 of the Water Act. Once the fishing rights are auctioned to the highest bidder, he starts using the lake only to maximise his profit. He does not bother about sustainable practices. That the water quality is compromised and ceases to be potable is not his concern. His sole focus is to ensure rapid growth of the fish population in the pond. That the process causes grave pollution is not factored into his scheme of things.

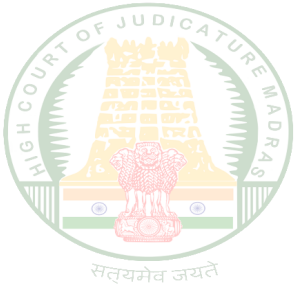
10.In ***S.T.Mani v. Director of Fisheries (WP(MD)No.5485 of 2020 dated 31.08.2020)***, one of us had extensively quoted from the Facebook post of noted writer Shri.Cho.Dharman. The writer had lamented the fact that as a result of the unsustainable practices followed by the bidders of fishery rights, cattle are unable to drink water from the

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water bodies such as lakes and tanks. This order was also confirmed

by the Hon'ble Division Bench in WA(MD) 923/2020 on 09.02.2021.

When fishery rights are auctioned, it is the duty of the authorities concerned to ensure that the traditional rights enjoyed by the cattle grazers is not in any way affected. This has two implications. Firstly, the cattle cannot be prevented from drinking water from the tanks and lakes. Secondly, the water cannot be contaminated by chemicals and poultry waste. Such water is unfit for drinking both for humans and cattle. The constitutional provisions cast a duty both on the State and the citizens alike to ensure that water quality is not compromised. This means that there are limits to monetising the water resource. Just as there is organic farming, fish farming also has to be organic. This is not an elitist proposal. When environment is degraded, the poor are the first to be hit. Unfortunately, this is not understood by the ordinary folk. Otherwise, the villagers of Chinnakuravakudi would not have permitted a private individual to exploit their village pond. The villagers thought that there is no other way to raise funds for the temple festival. The Bharatiya Dharma sees divinity in everything. A pond is also a manifestation of the divine. Maintaining it in its pristine and pure form is itself an act of worship.

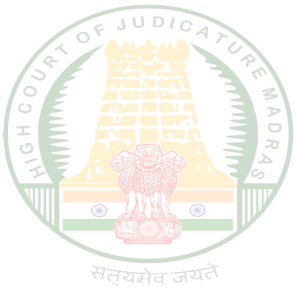


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11.Veda warns us not to pollute water. There is a hymn in Rig

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Veda which prays that the wind and the rivers should flow with sweetness. It means that they should be free of pollution. Under any circumstances water is not allowed to be polluted. Keeping water very pure is highly encouraged, and polluting water is severely viewed and regretted. Polluting water is also treated as a punishable crime. The punishment given by Lord Krishna to the venomous serpent Kaliya is worth mentioning in this context. Krishna, having subdued Kaliya on his heinous act of poisoning drinking water, said: Oh! Kaliya, you are now forgiven. But you should not stay here any more. Go back to the ocean and live with your kinsfolk. A river is meant for the use of human beings and their lives depend on the river and her water. It is not right on your part to poison it. Also, polluting drinking water is considered as a great sin. The words of Bharata, spoken before Kausalya the mother of Rama, are worth quoting. “Oh mother! If I really have any mal-intention of sending Rama to exile, I will definitely go to that hell a man goes on polluting drinking water. (Extracted from a paper on ***Vedic Thoughts on Purity of Water by Dr. Chilakamarthi Durga Prasada Rao***).



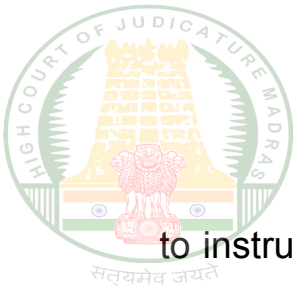
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12.The water body in question vests with the Water Resources

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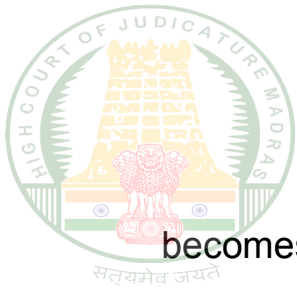
Department. Its officials have a duty to ensure that the water quality is not compromised. The officials appear to have been unaware of the fact that the villagers had conducted an auction on their own. What is worse is that even after the filing of the writ petition, the officials had not woken up. On the other hand, they had tried to mislead this Court. What Thiru.Radhakrishnan told us in person and what Thiru.S.Boominathan had committed in writing speak for themselves. But for the step taken by the writ petitioner and the assistance rendered by Thiru.K.K.Udhayakumar, the truth would not have been brought out at all. We call upon Thiru.C.Venkatesh Kumar, the learned Special Government Pleader to write to the Government about the conduct of the aforesaid two officials so that the disciplinary authority can take a call.

13.Water Resources Department had been specifically carved out of the Public Works Department with a certain purpose. That purpose will not be achieved unless there is a periodical inspection. Each Assistant Engineer has jurisdiction over a given number of tanks. We direct the Secretary to Government, Water Resources Department

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to instruct the Assistant Engineers concerned to regularly inspect all the water bodies under their control. Certificates must be submitted twice a year to the departmental heads by them. It must be certified that the water bodies are free of encroachment and free of pollution. Water samples must be collected and tested. The lab analysis report must be enclosed. Since in every District, there are government laboratories, their facilities can be used at minimal cost for this purpose. Circular on the above lines shall be issued forthwith. Persons acting in breach of the instruction set out in the circular shall be liable to face departmental proceedings.

14. Tanks belong to the Society. The State of Tamil Nadu introduced a special legislation in the year 2007 for Protection and Preservation of Tanks. Encroachment is not the only threat. Pollution is a greater threat. It will affect the drinking water source. The villagers have a fundamental duty to ensure that the water quality is preserved. The Constitution wants us to be compassionate towards all living creatures. On account of pollution, the water in the tank becomes unfit for drinking by the cattle. This shows lack of compassion on our part. It is a breach of constitutional duty. The collective duty of the citizens

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becomes the duty of the State. We are not saying anything new. We are only echoing the sentiments expressed by Mr.Justice Abhay S.Oka whose contribution to environmental jurisprudence is well known. We will not permit the villagers to abet pollution of a water body for the sake of raising funds for the local temple.

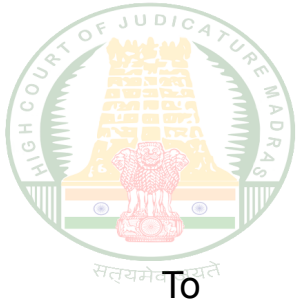
15.The fourth respondent is directed to intervene in the matter immediately and ensure that the water tank in question is de-polluted. Action shall also be taken against the persons who had illegally cultured fish in the tank. We place on record our appreciation for the excellent work done by Thiru.K.K.Udhayakumar, learned counsel.

16.This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] & [B.P., J.]
16.04.2026

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
SKM

Note: Issue order copy on 21.04.2026.

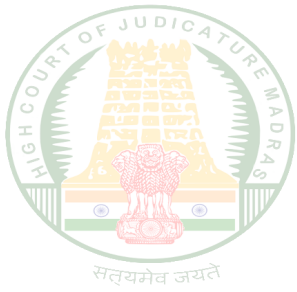


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To
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- 1.The District Collector, Madurai District.
- 2.The Engineer in Chief and Chief Engineer (General),
Public Works Department, Chepauk, Chennai.
- 3.The Chief Engineer, Water Resources Madurai Region,
Thallakulam, Madurai - 625 002.
- 4.The Executive Engineer,
Water Resources Periyar Vaigai Basin Division,
Thallakulam, Madurai - 625 002.
- 5.The Assistant Executive Engineer,
Water Resources Periyar Vaigai Basin Sub Division-II,
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- 6.The Assistant Engineer,
Water Resources Periyar Vaigai Basin Sub Division-II,
Kuppanampatti Section,
Thallakulam, Madurai - 625 002.
- 7.The Tahsildar, Usilampatti Taluk, Madurai District.
- 8.The Village Administrative Officer,
Poduvarpatti Village, Parapatti Post, Usilampatti Taluk,
Madurai District.
- 9.The Inspector of Police, Uthappanayakanur Police,
Usilampatti Taluk, Madurai District.

Copy to : The Secretary to Government, Water Resources Department
Secretariat, Chennai.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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