



W.P(MD)No.22568 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22568 of 2026

and

W.M.P(MD)No.16826 of 2026

Senthivel

... Petitioner

Vs

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Commissioner,
Kalakkad Municipality, Tirunelveli District.

3.The Executive Engineer,
Kalakkad Municipality,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to forthwith stop and forbear from carrying out any further excavation, construction or sewage collection works in close proximity to the petitioner's residential/commercial building situated at Sy.No.686/1A4, Padalaiyarkulam Village, Nanguneri



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Taluk, Tirunelveli District without first conducting a proper structural stability assessment, geotechnical investigation and without providing adequate retaining structures, protective measures and other engineering safeguards for the safety of the petitioner's property and further directing the respondents to refrain from establishing or constructing any sewage collection tank, sewage treatment facility or allied structures in or upon the water body known as Kudithangi Kanmai, Kalakkad, in any manner affecting its ecological character, storage capacity, water quality or public utility and to identify and utilise a suitable alternative site for the proposed sewage collection and treatment project, away from the petitioner's building and away from the Kudithangi Kanmai, so as to protect the petitioner's property and preserve the water body from pollution and environmental degradation by considering the petitioner's representation dated 03.07.2026 and 03.08.2026.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mrs.K.R.Shivashankari (R1)
Additional Government Pleader

: Mr.J.Parekh Kumar (R2 & R3)
Standing Counsel

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the respondents to forbear from carrying out any



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further excavation, construction or sewage collection works in close proximity to the petitioner's residential/commercial building situated in Survey No.686/1A4, Padalaiyarkulam Village, Nanguneri Taluk, Tirunelveli District, without first conducting a proper structural stability assessment, geotechnical investigation and without providing adequate retaining structures, protective measures and other engineering safeguards for the safety of the petitioner's property. The petitioner has also sought a direction to the respondents to refrain from establishing or constructing any sewage collection tank, sewage treatment facility or allied structures in or upon the water body known as Kudithangi Kanmai, Kalakkad, in any manner affecting its ecological character, storage capacity, water quality or public utility, and consequently to identify and utilise a suitable alternative site for the proposed sewage collection and treatment project, away from the petitioner's property and the said water body, by considering the petitioner's representations dated 03.07.2026 and 03.08.2026.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property comprised in Survey No.686/1A4,



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Padalaiyarkulam Village, Nanguneri Taluk, Tirunelveli District. According to the learned counsel, the respondents have undertaken excavation works for the establishment of a Sewage Treatment Plant (STP) immediately in front of the petitioner's building. Apprehending damage to the petitioner's property on account of the said work, the present Writ Petition has been filed.

3.The learned counsel appearing for the petitioner further submitted that a substantial portion of the work has already been completed. He would submit that the petitioner would be satisfied if this Court issues a direction to the respondents to assess the damage, if any, caused to the petitioner's property on account of the execution of the project and to pay appropriate compensation in accordance with law.

4.Per contra, the learned Standing Counsel appearing for respondents 2 and 3 submitted that all necessary safety measures have been adopted while carrying out the excavation and construction works for establishing the Sewage Treatment Plant. It is further submitted that no



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damage has been caused to the petitioner's property. However, if any damage is found to have been caused to the petitioner's property on account of the execution of the project, the same will be duly assessed and appropriate compensation will be paid to the petitioner in accordance with law.

5.Recording the above submission made by the learned Standing Counsel appearing for the respondents 2 and 3, this Writ Petition is disposed of. In the event any damage is caused to the petitioner's property on account of the execution of the project, it is open to the petitioner to make a representation to the respondents, who shall consider the same, assess the damage, if any, and pass appropriate orders in accordance with law. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

06.08.2026

NCC : Yes / No
Index : Yes / No
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M.DHANDAPANI, J.

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