



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 28.02.2017  
CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM**  
**and**  
**THE HONOURABLE MR.JUSTICE P.KALAIYARASAN**

W.P (MD) No.2744 of 2015

1. M.S.Arunachalam (died)
2. S.Subramanian,  
President,  
Alangulam-Thottiyankulam Water  
Irrigation Association,  
No.2/40, TDTA Padasalai Street,  
Alangulam, Tirunelveli District.  
(Second petitioner is substituted of  
the deceased sole petitioner vide  
order dated 22.09.2016 made in  
W.M.P (MD) No.12834 of 2016).

.. Petitioners

Vs.

1. The Government of Tamil Nadu  
rep. by its Secretary,  
Department of Highways,  
Fort St. George, Secretariat,  
Chennai - 600 009.
2. The Project Director,  
Tamil Nadu Road Development Project - II,  
No.171, South Kesava Perumalpuram,  
Greenways Road, Raja Annamalaipuram,  
Chennai - 600 028.
3. The District Collector,  
Tirunelveli District,  
Tirunelveli.
4. The Special District Revenue Officer  
(Land Acquisition),  
Tamil Nadu Road Development Project-II,  
Tiruchirappalli.
5. The Divisional Engineer,  
Tamil Nadu Road Development Project-II,



6.The Executive Engineer,  
Water Resources Organization,  
Sittaru River Basin,  
Kudiyiruppu, Courtallam,  
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents not to form four way lane across the Thottiyankulam Tank located in Survey No.236 of Alangulam Taluk, Tirunelveli District, by acquiring or altering the area of the tank.

For Second Petitioner : Mr.S.S.Thesigan

For Respondents : Mr.B.Pugalendhi,  
Additional Advocate General assisted  
by Mr.Aayiram K.Selvakumar,  
Government Advocate.

### ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents not to form four way lane across Thottiyankulam Tank situated in Survey No.236, Alangulam Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the second petitioner has vehemently contended to the effect that the respondents have proposed to lay four way lane across Thottiyankulam Tank which situated in Survey No.236, Alangulam Taluk, Tirunelveli District. The proposal of the respondents would diminish capacity of water of the tank and also obstruct its free flow and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

3.The learned Additional Advocate General appearing for the respondents has also equally contended to the effect that on the basis of the relief sought in the writ petition a team of experts, Anna University has examined the proposed road and after making thorough examination submitted their Reports and further the respondents have changed their original plan and the present plan is to erect pillars on the northern bund of the tank mentioned in the petition and the alternative proposal would not affect the water capacity of the tank and under the said circumstances the present writ petition deserves to be dismissed.

<https://hcservices.ecourts.gov.in/hcservices> It is an admitted fact that on the basis of the original plan for laying four way lane and as per direction of this Court, a team belonging to Anna University has inspected the disputed





3. The District Collector,  
Tirunelveli District, Tirunelveli.

4. The Special District Revenue Officer  
(Land Acquisition),  
Tamil Nadu Road Development Project-II,  
Tiruchirappalli.

5. The Divisional Engineer,  
Tamil Nadu Road Development Project-II,  
Tirunelveli.

6. The Executive Engineer,  
Water Resources Organization,  
Sittaru River Basin,  
Kudiyiruppu, Courtallam,  
Tirunelveli District.

+1cc to M/s.S.S.THESIGAN, Advocate, in SR No. 11091  
+1cc to Special Government Pleader, Sr.No. 11596

SMN

AAM-SV MMS 08.03.2017 4P 9C

ORDER MADE IN  
W.P (MD) No.2744 of 2015  
28.02.2017