



W.P.(MD) No.7164 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7164 of 2020
and
W.M.P.(MD) No.6601 of 2020**

T.Venkittan

... Petitioner

/vs./

- 1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St.George,
Chennai 600 009.
- 2.The Project Director,
Tamil Nadu Road Sectors – Project II,
No.171, South Kesava Perumalpuram,
Greenways Road, R.A.Puram,
Chennai 600 028.
- 3.The Chief Engineer,
Highways Department (Project),
Integrated Chief Engineer's Office Complex,
HRS Campus, 76, Sardar Patel Road,
Guindy, Chennai 600 025.



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- 4.The Superintending Engineer,
Highways Department (C&M),
Alagar Kovil Road,
Near Thamarai Thotti,
Madurai 625 002.
- 5.The Divisional Engineer,
Highways Department,
(Project Division),
Door No.11, Lady Doak College Road,
Chockikulam
Madurai 625 002.
- 6.The Divisional Engineer,
Highways Department (C&M),
Pandiyan Nagar,
Neheruji Nagar,
Dindigul 624 001.
- 7.The Assistant Divisional Engineer,
Highways Department (C&M),
Sub Collector Road,
Dindigul.
- 8.The District Collector,
Dindigul District,
Dindigul.
- 9.The Revenue Divisional Officer/Sub Collector,
Dindigul,
Dindigul District.
- 10.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 6th Respondent in his proceeding in No. 448/2020/tha1 dated 29.05.2020 and to quash the same and consequently direct the Respondents to change the alignment of Dindigul outer ring road passes through Mullapadi Ma.Mu.Koviloor, Periyakottai, Rajakkapatti, Thottanuthu, Adiyanoothu and A.Vellode via KM.0/0-19/250 without affecting the Venkittan Goundan Kulam situated in Sy.No.487 of Periyakottai Village, Dindigul East Taluk, Dindigul District considering the larger interest of the farmers and public belong to Periyakottai Village.

For Petitioner : Mr.R.Sreenivasan

For Respondents : Mr.D.Ghandiraj

Special Government Pleader

ORDER

The petitioner has moved this Court seeking the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the sixth respondent in his proceedings in No.448/2020/tha1 dated 29.05.2020, quashing the same and directing the respondents to change the alignment of Dindigul outer ring road, which passes through Mullapadi Ma.Mu.Koviloor, Periyakottai, Rajakkapatti, Thottanuthu, Adiyanoothu and A.Vellode via KM.0/0-19/250 without affecting Venkittan Goundan Kulam situate



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in S.No.487 at Periyakottai Village, Dindigul East Taluk, Dindigul District considering the larger interest of the farmers and public belong to Periyakottai Village.

2.The above writ petition has been moved on the ground that the respondents in the guise of forming a ring road, is forming the same over a water body, called Venkittan Gounden Tank, as a result of which the watering catchment area would be reduced considerably, which is likely to cause hardship and sufferings to the farmers, who have the lands around this area. It is the case of the petitioner that during the rainy season, the water overflows from this tank onto the Government tank situate nearby. If the road is formed over the water body, all of this would stand completely affected, which would lead to water logging and ultimately affect the crops. He had therefore filed W.P.(MD) No.26820 of 2019 before this Court seeking the issue of Writ of Mandamus, directing the respondents therein to consider his representation dated 18.09.2019, conduct survey for the ring road in an alternative road without affecting the Venkittan Gounden Kulam situate in S.No.487 at Periyakottai Village, Dindigul East Taluk, Dindigul District.



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3.It appears that after the disposal of the writ petition, whereby this Court had directed the authorities to consider his representation, the respondents had proceeded to reject the petitioner's representation by contending that the water bodies have not been affected and that there is no possibility to realign the lands. Further, the impugned order would state that where there is likelihood of the road crossing the water body, a balancing culvert would be installed, which would not in any way impede the flow of water. It is challenging this order that the petitioner has moved this Court.

4.Heard the learned counsels appearing on either side.

5.Today, the learned Special Government Pleader has produced a sketch before this Court. It is also represented that wherever the road was to cross over the water body, the same would be done by constructing the balancing culvert/small bridge, where below the bridge the water would continue to flow uninterrupted. It is also informed by the learned Special Government Pleader that the acquisition proceedings have already been completed and the lands acquired



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have also been taken possession of. The only thing remaining is to start the work of forming the road.

6.The plan submitted by the sixth respondent is taken on file. Taking into account the submission of the learned Special Government Pleader that the road would not be laid over entire the water body and that it would cross only over a portion of the water body, that too by forming a balancing culvert/small bridge, the Writ Petition is disposed of as per the directions (*supra*). However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

17.04.2023

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To

1.The Principal Secretary to Government,
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P.T.ASHA, J.

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