



W.P(MD)No.10287 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2023

CORAM

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

W.P(MD)No.10287 of 2023
and
W.M.P.(MD)Nos.9138 and 9139 of 2023

B.Gopalakrishnan

... Petitioner

Vs.

1.The Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai.

2.The District Collector,
Madurai,
Madurai District.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District.

4.The Divisional Engineer,
Highways (Construction and Maintenance),
Madurai Division, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents to restore the water channel situated at S.No.69, Vandiyur II 2nd Bit, Madurai to its original state upon removing the encroachments made by the 4th respondent's Department.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The grievance of the writ petitioner is that on account of infrastructural activities being conducted by the respondents near Vandiyur Bit – II, the free flow of water through channel is affected.

3.The respondents have filed a detailed counter affidavit.

Paragraph No.12 of the counter affidavit reads as follows:-

“12) It is pertinent to note that there is already an existing culvert available in the said area, through which the water flows from South to North with an extent of



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30M. Hence, in order to smoothen the natural water flow, the existing culvert is going to be widened to an extent of 5M additionally. The inner vent of the culvert is 2x1.5M and the same has not been disturbed, infact, the said culvert was constructed at the time of formation Madurai ring road before few decades. Therefore, it is very clear that the respondents herein are cautious as far as protection of water bodies are concerned.”

4.The official instructing the learned Additional Government Pleader categorically states that free flow of water will be ensured and that it will not be impeded by the present developmental works. They also assured the Court that there will be proper gradient.

5.Recording the said statement, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S.J.) & (B.P.J.)
19.06.2023**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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