



*W.P.(MD)No.8857 of 2016*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 25.08.2023

CORAM

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

W.P(MD)No.8857 of 2016  
and  
W.M.P.(MD)No.7056 of 2016

A.Vins Anto

... Petitioner

Vs.

- 1.The District Collector,  
Kanyakumari District,  
Nagercoil.
- 2.The Assistant Director of Village Panchayat,  
Collectorate Campus,  
Nagercoil.
- 3.The Block Development Officer,  
Kuranthancode Panchayat Union,  
Kuranthancode & Post,  
Kanyakumari District.
- 4.The Panchayat Union Engineer,  
Kuranthancode Panchayat Union,  
Kuranthancode & Post,  
Kanyakumari District.
- 5.The Executive Engineer,  
Kodayar Division,



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Water Resources Organisation,  
Public Works Department,  
Nagercoil.

6.The Assistant Engineer,  
Irrigation Section,  
Water Resources Organisation,  
Public Works Department,  
Thuckalay,  
Kanyakumari District.

7.J.Joseph Benedict,  
Contractor,  
Kurunthancode Panchayat Union,  
Kurunthancode & Post,  
Kanyakumari District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to restore the canal from Moolachanvilai to Kattukulam running through R.S.Nos.293/15, 294/8, 295/10, 296/2, 3 & 4, 355/6, 354/3, 2 & 1 and 359/2 of Kurunthancode Village to its original position of 1 meter width.

For Petitioners :Mr.C.T.Perumal

For Respondents :Mr.K.Balasubramani,  
Special Government Pleader for R1 to R6  
: Mr.M.Sridharan for R7

### **ORDER**

Heard the learned counsel on either side.



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2. The grievance of the writ petitioner is that while laying the road that is running parallelly to the petition mentioned canal, the width of the canal had been substantially reduced. It is well settled that the dimensions of the water body will have to be maintained as such. The reduction in the dimensions cannot be allowed.

3. The official respondents are directed to ensure that the canal is restored to the original position. In other words, the original width will have to be restored. This shall be done by the official respondents within a period of twelve weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

**[G.R.S., J.]      [B.P., J.]**  
**25.08.2023**

NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
rmi

To

1. The District Collector,  
Kanyakumari District,  
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**G.R.SWAMINATHAN, J**

and

**B.PUGALENDHI, J.**

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2.The Assistant Director of Village Panchayat,  
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