



W.P(MD)No.10089 of 2020

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

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**DATED : 10.01.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.10089 of 2020**

**and**

**W.M.P(MD)No.8982 of 2020**

P.Kanagaraja

... Petitioner

Vs.

1.The District Collector,  
Karur District, Karur.

2.The District Revenue Officer,  
Karur District, Karur.

3.The Revenue Divisional Officer,  
Kulithalai, Karur District.

4.The Tahsildar,  
Krishnarayapuram,  
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent vide



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his proceedings in Na.Ka.C1/5822/2017 dated 17.10.2019, quash the same.

For Petitioner : Mr.A.Jayaramachandran

For Respondents : Mr.M.Senthil Ayyanar  
Government Advocate

### **ORDER**

Heard both sides.

2.The authorities proposed to restore a channel by name Kannaru which flowed through the petition mentioned survey number. The petitioner's case was that no such channel ever existed. The petitioner's objection was overruled by the respondent authorities. Challenging the order dated 17.10.2019 passed by the District Revenue Officer, Karur, the present writ petition came to be filed.

3.Counter affidavit was filed by the second respondent herein. The learned Government Advocate produced the village map of Sindalawadi. Thiru.Prabhu, Village Administrative Officer is present in person before this Court. It is categorically stated by the respondents that this village



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map was prepared prior to UDR. On going through the same, I notice that a sub channel flows through Survey Nos.101, 104, 105, 125, 139 and 149 and it rejoins the main channel. In the counter affidavit, it has been stated that the Will executed by the petitioner's grandparents refers to the existence of the sub channel in the petition mentioned survey number.

4.As rightly pointed out by the learned Government Advocate, a channel cannot be obliterated. It has to be maintained forever. I therefore cannot fault the respondents for seeking to restore the sub channel. But then, the sub channel must be restored from point to point.

5.At this stage, the main concern expressed by the learned counsel for the petitioner has to be addressed. He states that a portion of petitioner's land was acquired under the National Highways Act. The sub channel will be lying adjacent to the National Highways. The petitioner is therefore be without any access facility.



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6.I permit the petitioner to apply to the competent authority for putting up a culvert across the sub channel so that the petitioner can reach his house from the main road. As and when such an application is submitted, it shall be allowed by the concerned authority. Of course, the dimensions of the culvert shall be specified by the authority concerned. The concerned authority is also at liberty to stipulate appropriate conditions to ensure free flow of water through the sub channel. The petitioner will be obliged to adhere to the conditions that may be stipulated by the authority concerned.

7.With this liberty to the petitioner and direction to the authority concerned for permitting the petitioner to put up the culvert, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**10.01.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
MGA

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**G.R.SWAMINATHAN, J.**

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