



W.P(MD)No.16571 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.07.2024

CORAM

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

**W.P(MD)No.16571 of 2020
and
W.M.P(MD)No.13851 of 2020**

Annakili

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Trichirappalli.
- 2.The Chief Engineer (Public Works Department, WRO),
Trichy Zone, Pudukottai Road,
PB.No.803, Subramaniyapuram,
Trichy – 020.
- 3.The Assistant Engineer,
PWD Department,
(Aatru Paasana Kottam),
Lalgudi,
Tiruchirappalli.
- 4.The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli.



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5. The Revenue Tahsildar,
Lalgudi,
Tiruchirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents not to lay any road or obstruction over the Irrigation or drainage Channel, namely, Karkaala Kandikaal Vaidigal Vaikkal by encroaching the same which runs through in Survey No. 93/1, 93/3, 94/4, 93/4, 96/1, 97/1, 98/1, 99/1, 100/1, 108/2, 109/1 situated at Manakkal west, Lalgudi Taluk, Manakkal Railway gate, Trichy and consequently directing the respondents to make necessary arrangements for free flow of Cauvery water over the Channel in order to utilize the same for agricultural purpose based on the petitioner's representation dated 04.06.2020 and 17.06.2020.

For Petitioner : Mr.S.Ramanathan
for Mr.M.Siddharthan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

Mr.G.Sarath Kumar
Advocate Commissioner

ORDER

This writ petition has been filed to forbear the respondents from laying any road over the petition mentioned channel.



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2.An Advocate Commissioner was appointed and he has filed a report after inspection. Paragraph No.7 of the report reads that as of now there is no road laid on the petition mentioned Vaikal. It is further observed that in future if any road is laid, the water flow will be affected. It is however conceded in the report itself that on either side of the Vaikal there is no pathway and therefore, the farmers on the eastern side are not able to transport their agricultural goods to the main road. In order to address this issue, in the counter affidavit it is stated that the pathway will be made only on the bund of the channel and without hindering the free flow of water. It is further undertaken that necessary arrangements have been made to safeguard the channel and ensure the free flow of water.

3.Recording the stand of the respondents, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
09.07.2024

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