



W.P.(MD) No.17603 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17603 of 2024

and

W.M.P(MD)No.15122 of 2024

Earivayal Village Panchayat,
Represented by its President,
M.Kannagi,
Kalayar Kovil Taluk,
Sivagangai District.

.. Petitioner

Vs

The Assistant Engineer,
Water Resource Department,
Saruganiyaru Basin Division,
Kalayar Kovil,
Sivagangai District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records in No. KO/2024 AE/KAL.KOV
Dated 06.05.2024 passed by the respondent and quash the same.



W.P.(MD) No.17603 of 2024

WEB COPY

For Petitioner : Mr.A.Arun swaminathan

For Respondent : Mr.G.V.Vairam Santhosh
on 30/07/2024 Additional Government Pleader

For Respondent : Mr.K.Balasubramanian
on 21/08/2024 Special Government Pleader

ORDER

Heard both sides.

2.The petitioner is a Village Panchayat. The petitioner is aggrieved by the communication issued by the respondent forbearing the petitioner from carrying out any road maintenance works without getting prior permission from the Water Resources Department. My attention is drawn to the relevant entry made in the A-Register. It is seen therefrom that Survey No.170/10 has been mentioned as “cart track”. In the FMB in respect of Survey No.43 of Sakkur Village existence of a cart track is reflected. The jurisdictional Village Administrative Officer has also issued certificate to that effect. Section 125 of the Tamil Nadu Panchayats Act, 1994 states that all public roads in any village other than the road classified as Highways or Major District Roads or Panchayat Union Roads shall vest in the village panchayat.



W.P.(MD) No.17603 of 2024

Once it is seen that the road vests in the local body, it may not be open to the respondent herein to interfere with the right of the local body to carry out any maintenance work in connection with the same. The impugned communication is set aside.

(*)2(a)The learned Special Government Pleader submitted that the local body should not be allowed to reduce the height of the bund or do anything that may affect the storage capacity of the kanmoi. This submission is beyond cavil. The local body can very well carry on their road works. But then, while doing so, they should ensure that the height of the bund is not reduced and storage capacity of the kanmoi is not affected."

3.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AE)

(*)Revised as per order of this Court dated 21/08/2024 made in WP(MD)No. 17603 of 2024

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/ /2024
Sub Assistant Registrar(CS)



W.P.(MD) No.17603 of 2024

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MGA

To

The Assistant Engineer,
Water Resource Department,
Saruganiyaru Basin Division,
Kalayar Kovil,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-39345[F] dated 31/07/2024)

W.P(MD)No.17603 of 2024

30.07.2024

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MGJ(21.08.2024) 4P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023