



W.P (MD).No.14151 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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and

W.M.P(MD)Nos.12831, 12832 & 12833 of 2018

S.Balakrishnan

... Petitioner

Vs.

National Highways Authority of India,
Rep.by its Deputy General Manager (Tech) Cum
Project Director,
Project Implementation Unit,
No.314E, K.P.Road,
Near Ayappan Koil,
Parvathipuram,
Nagercoil-629 003,
Kanyakumari District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 25.05.2018 in NHAI/PIU/NGL/NH-47&NH-47B/LA/2018/777 on the file of the respondent no.1 herein to provide 'Culvert' for the passage of water channel namely 'PULLakulam @ Lakshmi Puthu Kulam Mettu Kaalvai' in Survey No.520/13 of Kottaram west Village, Agastheeswaram Taluk, Kanyakumari District within the time period prescribed by this Court.



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For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.Su.Srinivasan

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 25.05.2018 thereby, rejected the request made by the petitioner to provide 'Culvert' for the passage of water channel namely 'Pullakulam @ Lakshmi Puthu Kulam Mettu Kaalvai' comprised in Survey No. 520/13 situated at Kottaram West Village, Agastheeswaram Taluk, Kanyakumari District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner and his brother owned agricultural land comprised in Survey No.520/13, at Kottaram West Village, Agastheeswaram Taluk, Kanyakumari District. The only source of irrigation to their lands is through water channel by name Pullakulam @ Lakshmi Puthu Kulam Mettu Kaalvai. The channel flows water for irrigation from the Pullakulam @ Lakshmi Puthu Kulam Mettu Kaalvai which in turn gets water from the 'Petchiparai Dam'. While being so, the respondents herein, in order to lay a four-way road namely



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NH-47B connecting Thiruvananthapuram to Kanyakumari, blocked the water channel from free flow of water from East to West and thereby, affect the irrigation of several agricultural lands. Therefore, the petitioner made a request to provide culvert for the passage of water channel from Pullakulam @ Lakshmi Puthu Kulam Mettu Kaalvai. However, it was rejected on the ground that nearest culvert to the petitioner requested is only 145 mtrs and as such, no separate culvert provided for irrigation purposes of the petitioner's land.

4. The learned counsel appearing for the respondents, on instructions, would submit that the four way has already been laid and passage of water for the land of the petitioner as well as other nearby lands will not be hampered on any point of time. The passage of water to the agricultural lands will not be blocked as apprehended by the petitioner. That apart, while drawing the plan of four laning projects, the National Highways is paying special attention to safeguard the ecological balance, preservation of all sorts of water bodies etc.,

5. In view of the above, the apprehension of the petitioner in this regard is un-warranted. Therefore, the respondent must ensure for the green space including the petitioner's land.



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6. Accordingly, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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