



W.P (MD).No.27327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

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

W.P (MD).No.27327 of 2024

and

W.M.P(MD)No.23142 of 2024

Ramaraj

...Petitioner

Vs.

1.The District Collector,
District Collectorate,
Virudhunagar.

2.NATIONAL HIGHWAYS AUTHORITY OF INDIA,
Rep. by its Regional Manager,
2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area,
Melur Main Road,
Mattuthavani,
Madurai.

3.The Project Director,
The National Highways Authority of India,
National Highways in N.H.744,
Nagercoil-629 003.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent Nos.2 & 3 herein from draining the water at Sector 3 Survey Stone No.53 + 500 meters into the patta lands of the petitioner at Survey No.359/1 at Sithalamputhur Village,



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Srivilliputhur Taluk, Virudhunagar District and consequently direct the respondent Nos.2 and 3 to construct a channel at Survey No.340 in the eastern side to drain the water into the main channel at Survey No.268 of Sithalamputhur Village, Srivilliputhur Taluk, Virudhunagar, within the time frame fixed by this Court.

For Petitioner	: Mr.M.Mahaboob Fazil
For R1	: Mr.S.P.Maharajan Special Government Pleader
For R2	: Mr.P.Karthick Standing Counsel

ORDER

This writ petition has been filed for a direction forbearing the respondents 2 & 3 from draining the water at Sector 3, Survey Stone No.53 + 500 meters into the petitioner's patta lands comprised in Survey No.359/1 at Sithalamputhur Village, Srivilliputhur Taluk, Virudhunagar District.

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

3. The petitioner owned the properties comprised in Survey Nos.359 and 322/1 at Sithalamputhur Village, Srivilliputhur Taluk, Virudhunagar District to an extent of 3.5 acres and it is an agricultural land. In fact, already



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the second respondent had acquired nearly 1 acre of the petitioner's land for the formation of NH.744 between Thirumangalam to Shengottai. The remaining lands are laying beneath the bridge, it covers the main water channel at Survey No.268 Sithalamputhur Village which runs from West to East. All the excess rain water drains into the main channel at S.No.268. They have also proposed to construct a cement channel with a width of 6 x 6 across the bridge in Sector 3 survey Stone No.53 + 500 meters of NH.744 in the west-east direction, which is proposed to drain the water from western side in Survey Nos.358, 340 to the eastern side in the patta lands of the petitioner in Survey No.359/1 at Sithalamputhur Village. Therefore, it would be affected his entire cultivation and as such submitted a representation to the respondents.

4. Mr.P.Karthick, learned Standing Counsel appearing for the second respondent would submit that in the same place they are constructing the bridge which drains the rain water flows into the main water channel and it is not affect the petitioner's patta land. For the very same prayer, already the petitioner filed a writ petition in W.P(MD)No.23030 of 2024 restraining the respondents 2 & 3 from constructing the concrete culvert channel. This Court by an order, dated 26.09.2024 dismissed the writ petition directing the respondents 2 & 3 therein to construct 6 feet width and 6 feet height channel on



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the south side at K.M 53 plus 370 and north side at K.M 53 plus 620 and restrain to construct a concrete culvert channel at K.M 53 plus 500 of Madurai Thirumangalam Kollam National Highways. Now, on the other hand, the petitioner has filed the present writ petition as if the drained water is let into the petitioner's patta land. While constructing the bridge, they are constructed the culvert in the said place and let the water into the existing water channel. There is no question of laying rain water into the petitioner's land.

5. In view of the above, the representation submitted by the petitioner cannot be considered. Accordingly, the writ petition stands dismissed. However, the respondents 2 & 3 shall ensure that no rain water letting into the petitioner's patta land except the existing water channel. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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To

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