



WEB COPY

WP No. 33314 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 33314 of 2023

AND

WMP NO. 33054 OF 2023

B.S.Shah

Petitioner(s)

Vs

1. The District Collector
Collectorate, Kanchipuram-631 501.

2.The Chief Engineer
Water Resource Department,
Chennai Region, Chepauk, Chennai-5.

3.The Executive Engineer
Water Resource Department,
Lower Palar Basin Division,
Kanchipuram-631 501.

4.The Assistant Engineer
Water Resource Department,
Irrigation Section Office,
Kanchipuram-631 501.

5.The Assistant Engineer
Water Resource Department,
Irrigation Section Office,
Sriperumbudur.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Letter vide Lr / No.287 / F.41 / 2023 / A.E.KPM / Dated



22.08.2023 issued by the 4th respondent directing the petitioner to remove the construction of Culvert/Bridge across the supply channel of Thenneri Tank in Athivakkam Village and quash the same as illegal, arbitrary and ultra vires and consequently directing the 4th respondent to repair the culvert across that drainage canal ensuring the free flow of water during monsoon periods in order to avoid flooding.

For Petitioner(s): Mr.S.Giri Tharan
For Respondent(s): Mr.P.Ganesan, AGP

ORDER

The petitioner is aggrieved by the order passed by the 4th respondent dated 22.08.2023, wherein the petitioner was directed to remove the culvert/bridge that he has built illegally across a water channel.

2. It is the case of the petitioner that he purchased the lands near Selvazhimangalam lake and he has been in occupation and enjoyment of he same. It is the case of the petitioner that even before the purchase of the lands by him, there exists a foot bridge across the drainage canal of Selvazhimangalm lake. While so, the petitioner received an impugned order dated 28.08.2023 wherein the 4th respondent has directed the petitioner to remove the culvert constructed by him in default. The same would be removed by the authorities and cost towards such removal would be collected from the petitioner.

3. Heard both sides and perused the materials available on record.



4. Even as per the admission of the petitioner in the affidavit, his lands are situated across the lake and there exists only one pathway to reach his lands.

Though the petitioner claims that the subject culvert was in existence even before 30 years, this Court is not inclined to buy the said arguments because but for petitioner, there would be no occasion for anyone to build the culvert. The authorities have mentioned in the impugned order that the culvert is brick belt. Because of the said culvert, free flow of water is obstructed and during monsoon season water over flows and inundates the nearby area. The order passed by the respondent requires no inference by this Court. The petitioner is therefore, directed to comply with the directions issued in the impugned order and in the absence of the petitioner removing the culvert, the respondents authorities are at liberty to proceed in accordance with law.

5. In the result, the writ petitions fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

31-10-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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M.DHANDAPANI J.

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To

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Section Office, Kanchipuram-631 501.

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