



WEB COPY



W.P.No.38246 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

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

W.P.No.38246 of 2025
and W.M.P.No.42752 of 2025

R.Palumani

... Petitioner

-Vs-

1. The District Collector,
Collectorate, Palladam Road,
Tirupur 641604,
Tirupur District.
2. The Revenue Divisional Officer,
Pollachi Road,
Dharapuram,
Tiruppur District.
3. The Superintending Engineer,
Water Resources Department,
Keel Bavani Basin Division,
Erode 638 011,
Erode District.
4. The Assistant Engineer,
Water Resources Department,
Irrigation Division,
Muthur 638 105,
Tirupur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order Lr No.58/AE.MU/2025 dated 28.04.2025 issued



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by the fourth respondent, quash the same and consequently forbear the respondents from interfering with petitioner's right of usage of the jeep road in SF No.674/2 to reach petitioner's house and lands in SF No.674/1C3A Mettupalayam village, Kangayam Taluk, Tiruppur district by considering the petitioner's representations dated 14.07.2025 and 29.09.2025.

For Petitioner : Mr.N.Manokaran
For R1 to R4 : Mr.D.Ravichander
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent dated 28.04.2025, thereby preventing the petitioner to use the water canal as road without seeking prior permission.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

3. The petitioner owned lands comprised in S.F.No.674/1C (now RS.No.671/1C 3A) to an extent of 1.65 ½ acres and in S.F.No.674/3 to an extent of 49 cents, situated at Mettupalayam Village, Kangayam Taluk, Tiruppur District. He had constructed a house and living there for the past several years. While being so, in the year 1955, the respondents had constructed and formed a canal under the Lower Bhavani Project (LBP) for implementing



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the irrigation scheme in and around Erode district. The said LBP canal has been constructed across the petitioner's land in S.F.No.674, which resulted in segregation of his patta lands into two parts. It is running from north to south and turns towards east. In order to reach the lands and house which are lying northern side of the said canal, the petitioner used jeep road formed on the bund of the canal for more than several decades. Except the said road, the petitioner had no other access to reach the house and property.

4. At that juncture, on the complaint lodged by the third parties, without conducting any enquiry, without giving any opportunity of hearing to the petitioner, all of a sudden, the fourth respondent passed an order dated 28.04.2025, thereby completely restrained the petitioner from using the road as pathway.

5. The learned counsel for the petitioner also produced photographs to show that the petitioner's land is now segregated into two parts, after laying LBP canal. Thereafter, the bund of the canal is used as road by all the general public. Now, the petitioner was alone restrained from using the said road as pathway. It is illegal and arbitrary.



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6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order in Lr No.58/AE.MU/2025 dated 28.04.2025 issued by the fourth respondent, is hereby quashed, on condition that the petitioner shall not cause any damage to the bund of the canal, while using the said road. If any damage is caused, the petitioner is liable to restore the same. It is also made clear that the fourth respondent is directed to remove the board which was erected in the entrance of the road.

7. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

09.10.2025

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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