



WEB COPY



WP.No.46103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.46103 of 2025 & WMP.No.51410 of 2025

A.P.Anbalagan

.. Petitioner

Versus

1. The Additional Secretary to Government
Public Works Department
Fort St.George, Secretariat, Chennai – 600 009

2.The Secretary to Government
Highways Department
Fort St.George, Secretariat, Chennai – 600 009

3. The District Collector
Tiruvannamalai District at Tiruvannamalai

4.The Chief Engineer (H)
NABARD & Rural Roads
1st Floor, Integrated Chief Engineer's Office
76, Sardar Patel Road, Guindy, Chennai – 25

5. The Superintending Engineer
Highways Department
Construction and Maintenance
Tiruvannamalai Circle
No.214, Tindivanam Road
Navakkarai, Tiruvannmalai – 606 601



WP.No.46103 of 2023

6.The Divisional Engineer

Highways Department

Nabard and Rural Road Office

Sathuvachari, Vellore – 632 009

7.The Assistant Divisional Engineer

Highways Department, Tiruvannamalai

Tiruvannamalai District

8.The Assistant Engineer

Highways Department, Polur Taluk

Tiruvannamalai District

9.The Tahsildar

Polur Taluk

Tiruvannamalai District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 6 to 9 not to convert the water channel situated in S.No.1138, Padayal Road, Ettagiripalayam, Padavedu Madura, Polur Taluk, Tiruvannamalai District.

For Petitioner : Mr.B.M.Reyas Basha

For Respondents : Mr.S.Rajesh

Government Advocate (Crl.Side)

ORDER

The petitioner seeks for a direction, directing the respondents 6 to 9 not to convert the water channel situated in S.No.1138, Padayal Road, Ettagiripalayam, Padavedu Madura, Polur Taluk, Tiruvannamalai District.



WP.No.46103 of 2023

2. It is the contention of the petitioner that S.No.1138 is known as water channel (Kaalvai) in the revenue records namely 'A' register, Adangal and FMB.

During the rainy season rain water flows from the Javathumalai and spread as branch of channel. The petitioner's land in S.No.155 is situated nearby channel is he is also using the said channel water for his agricultural land, like the petitioner, several persons are using the said water channel and doing agricultural works. Now, the respondents 6 to 9 are trying to lay road over the said S.No.1138 by blocking the water channel. Hence, seeks for a direction.

3. The learned Government Advocate produced a report of Assistant Divisional Engineer (H), NABARD & Rural Roads, Tiruvannamalai. According to the report the subject road is Kannamangalam Padal road Km 0/0-2/440 situated at Polur Taluk, Tiruvannamalai District. The subject Panchayat Union road was handed over to the Highways Department by the District Collector, Tiruvannamalai for Upgradation to Other District Road (ODR) standard as per G.O.Ms.No.97/Highways and Minor Ports (EAP-II (2)) Department dated 07.08.2024 and the tender was awarded to M/s.Ponnusamy Constructions, Tiruvannamalai. The tender was started



WP.No.46103 of 2023

and in progress. This road was constructed as Bituminous road for single lane road (3.75m) by local panchayat under Polur Block Development Office, maintained as Bituminous road and used by the local public for many years. Now, the road is only to be improved for the same width of 3.75 m, no widening work or new construction is involved. According to them, channel runs parallel to the existing road which carries the water and it is to be disposed through a Box Culvert (under construction) in the same location and there will be no hindrance to the water flow in this road stretch. The road will serve its purpose as it was serving for decads.

4. Heard both sides and perused the materials placed on record.

5. The report of the Assistant Divisional Engineer (H), NABARD & Rural Roads, Tiruvannamalai indicate that road was already in existence and now only, further improvement is sought to be done. As the respondent has also admitted that there is a water channel running parallel to the existing road, Box Culvert which is under construction should be constructed wherever necessary so that there shall be no hindrance to the flow of the water.



WP.No.46103 of 2025

6. With the above direction, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition stands closed.

03.12.2025

dhk

Index :Yes/No

Internet :Yes/No

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5 / 6



WEB COPY



WP.No.46103 of 2025

N. SATHISH KUMAR, J.

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