



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.03.2025

Pronounced on : 27.03.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.5730 of 2019
and
WMP(MD)Nos.4521 & 4522 of 2019**

Elephant G.Rajendran

... Petitioner

Vs.

- 1.The Chief Engineer,
Public Works Department /
RC Division,
Subrmaniyapuram,
Tiruchirappalli – 20.
- 2.The Superintending Engineer,
Public Works Department /
RC Division,
Subramaniyapuram,
Tiruchirappalli – 20.
- 3.The Executive Engineer,
NKHLC K.P.Sub Division,
RC Division, District Court Campus,
Tiruchirappalli – 1.
- 4.The Director,
Vigilance and Anti Corruption,
No.293, MKN Road, Alandur,
Chennai – 16.

5.R.Thirumurugan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for the records from the third respondent relating to the proceedings dated 25.10.2018 passed in Ka.No.673-M/2018/ko.26B and quash the same.

For Petitioner : Mr.Elephant G.Rajendran

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by SRA.Ramachandran
for R1 to R4

Mr.B.Prasanna Vinoth for R5

ORDER

Heard both sides.

2.The private respondent herein submitted an application dated 06.09.2017 for forming a residential lay out in the petition mentioned survey numbers. The bund road of the New Kattalai High Level Channel was shown as the approach road. The Assistant Director, Directorate of Town and Country Planning, Tiruchirappalli sought clarification from the PWD whether they have any objection for such usage. The Executive Engineer, PWD/WRD, River Protection Zone, Tiruchirappalli expressed their no objection vide letter dated 25.10.2018. Copy of the said communication was obtained by the



petitioner herein under RTI Act and put to challenge in this writ petition on the grounds set out therein.

3.The petitioner herein contends that the bank of the New Kattalai High Level Channel forms part and parcel of the water body and that issuance of NOC for the conversion of the bank of the channel into an approach road is illegal. It is further alleged that under political pressure, such NOC was issued.

4.The allegations made in Paragraph No.7 of the affidavit filed in support of the writ petition that extraneous considerations governing the issuance of NOC cannot be accepted. This is because specific details have not been furnished. The petitioner has made a bald allegation that a Member of Parliament is involved. Nothing stopped the petitioner from impleading the said Member of Parliament.

5.A reading of the impugned communication indicates that the said bund road is already being used as a public road by the villagers for more than three decades prior to the approval. The specific stand of the authorities is that the bund road on either side of the channel has not been converted into an approach road for the offence of granting approval for the lay out. Its existence for a very long time is



specifically affirmed by the authorities. According to the PWD/WRD, the road in question is already being used by all sections of the general public as a road. No exception can be taken to the NOC issued by them. Photograph of the bund road had been shown to us and we are satisfied that it was already a pucca thar road. There is no conversion of the bank of the channel in question as an approach road to favour the private respondent herein. Interference is not warranted and the writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

[G.R.S., J.] & [B.P., J.]

27.03.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Skm

To

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- 3.The Executive Engineer, NKHLC K.P.Sub Division, RC Division, District Court Campus, Tiruchirappalli – 1.
- 4.The Director, Vigilance and Anti Corruption, No.293, MKN Road, Alandur, Chennai – 16.

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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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