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W.P.(MD)NO.16894 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No. 16894 of 2025 AND

W.M.P.(MD)No.12788 of 2025

Murukaiya

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Project Director,
District Rural Development Agency,
Pudukkottai District.
3. The Joint Director,
Public Works and Water Resource Department,
Pudukkottai District.
4. The Divisional Engineer,
Highways Department (Rural Road Scheme),
East Main Street,
Pudukkottai District.
5. The Additional Director,
Highways Department (Rural Road Scheme),
Aranthangi,
Pudukkottai District.



6. The Assistant Executive Engineer,
Public Works and Water Resource Department,
Aranthangi,
Pudukkottai District.

7. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

8. The Block Development Officer,
Manamelkudi Union Office,
Pudukkottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Mandamus, directing the respondents to stop the laying of road inside the Saikkudi Lake in S.Nos.21/1, 21/2, 21/3 respectively situated at Palaiyavettivayal Village, Manamelkudi Taluk, Pudukkottai District.

For Petitioner : Mr.V.G.Vallarasu Chezhiyan

For Respondents : Mr.M.Ajmal Khan,
Additional Advocate General,
assisted by,
Mr.N.Ramesh Arumugam,
Government Advocate.

* * *

ORDER

Heard both sides.



2. The petitioner is a resident of Kurunthangkudi Village in Manamelkudi Taluk. He alleges that a road is being formed across Saikkudi lake in Palaiyavettivayal Village.

3. The District Collector, Pudukkottai has filed a detailed counter affidavit. It is admitted that a water body is located in survey No.21/1, 21/2 and 21/3 and that the total extent of the water body is as follows:-

S.No.	Survey Nos.	Hectares.	Ares
1.	21/1	1	37.50
2.	21/2	47	61.50
3.	21/3	7	25.00
Total extent		55	124

4. We direct the respondents to ensure that the storage capacity is neither affected or reduced.

5. The learned Additional Advocate General on the strength of the written instructions would state that the road is being laid only outside the tank and beyond the bund. Paragraph Nos.6 to 9 of the affidavit is as follows:-



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“6. During field inspection on 23.06.2025, it is found that the survey Nos.21/1, 21/2 and 21/3 are classified as a Government poramboke. The village road already laid in survey No.21/1 is non-water catchment area. This Road was laid in the year 2014-2015 under RRMS Scheme at a cost of 17.25 lakhs. A metal road was already laid in a plan-marked detail “Earthern Road” which passes through survey Nos.21/2 and 21/3. In other words, the entire Kasangudi-Saikudi road at a length of 1.580 km has been demarcated as “Earthen Road”. As per FMB, the Government has now laid the Kasangudi-Saikudi village Road “R343” on a plan marked detail in survey Nos.21/2 and 21/3 under NABARD loan scheme. Besides, the road is laid beyond the tank bund without causing any damage to it.

7. Further, another field inspection was conducted on 25.06.2025 and 26.06.2025 to ascertain whether there is any encroachment made in the water course poramboke in survey Nos. 21/1, 21/2 and 21/3 and to check whether the upgradation work would cause any impact on the water catchment area in the subject fields. This inspection was conducted in the presence of Tahsildar, Manamelkudi, Block Development Officer, Manamelkudi, Assistant Divisional Engineer,



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NABARD and Village Roads, Deputy Inspector of Survey, Manamelkudi and Technical Assistant PWD(WRD).

8. During inspection it is found that there is no encroachment made in the Water Course poramboke in survey Nos.21/1, 21/2, 21/3. It is also humbly informed that the water catchment area in the above survey fields will not be affected due to upgradation of Kasangudi-Saikudi village road. There are 4 numbers of culverts being laid across the Kasangudi-Saikudi village road, which allows the flow of water from the Saikudi lake to nearby Ayacut lands. The construction of these culverts is crucial for maintaining proper drainage and preventing flooding in the Ayacut lands, which rely on a consistent water supply for agriculture. Hence, Irrigation won't be affected, this scheme allowing local farmers to maintain their agricultural practices without any interruption. Besides, this road upgradation work is anticipated to improve overall accessibility and foster economic growth in the surrounding villages.

9. It is humbly informed that the Kasangudi-Saikudi village road is being used by the village people of Palaya Vettivayal, Kilaravayal, Kasangudi, Saikudi and Kanadu to carry out agricultural



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activities and other purposes for a very long period of time. Further, school students are using this road to reach the school. It is humbly informed that this is not the new road now formed. Besides, there is no alternative road for the village residents. Additionally, the Hon'ble High Court of Madras's directives on the preservation and restoration of water bodies are strictly adhered. I humbly assured before the Madurai Bench of the Hon'ble High Court of Madras that stringent measures are being taken to prevent the implementation of development plans in water bodies."

6. We permit the respondents to carry on the road work subject to the condition that the storage capacity of the water body as mentioned above is not in any way affected or reduced. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
26th June 2025

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

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