



W.P.(MD)No.7144 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.7144 of 2026

D.Prabhu Srinivasan

... Petitioner

-VS-

1.The District Collector,
Thanjavur Collectorate,
Thanjavur - 612 001.

2.The Corporation Commissioner,
Kumbakonam Corporation,
Kumbakonam - 612 001.

3.The Executive Engineer,
Office of the Public Work Department,
Cauvery Basin Division,
Thanjavur - 612 001.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Kumbakonam - 612 001.

5.The Tahsildar,
Taluk Office,
Kumbakonam - 612 001.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of impugned communication dated 09.02.2026 in Na.Ka.No.761/2026/D1/M-2, on the file of the second respondent and quash the same and consequently, direct the respondents to grant permission to the petitioner to construct a culvert over the sewage canal for accessing the petitioner's property.

For Petitioner : Mr.K.R.Samratt

For R1 & R3 to R5 : Mr.D.Sadiq Raja
Additional Government Pleader

For R2 : Mr.B.Jameel Arasu
Standing Counsel

ORDER

The writ petition has been filed challenging the impugned order dated 09.02.2026, whereby the request of the petitioner to put up a culvert over the irrigation channel situated in front of his property was rejected by the second respondent, Municipal Corporation. The reason assigned in the impugned order is that the issue is presently pending before the Principal Bench of this Court in a Review Application filed in Contempt Petition No.556 of 2024, and in view of the order dated 24.04.2025 passed the Contempt Petition, no permission can be granted.



W.P.(MD)No.7144 of 2026

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2. The learned counsel appearing for the petitioner submitted that the order in Contempt Petition No.556 of 2024 was passed in light of an apprehension regarding encroachment upon the channel and an attempt to reduce its width. It is contended that, insofar as the portion abutting the petitioner's property is concerned, the channel is already reinforced with concrete structures on either side, and therefore, there is no possibility of any reduction in its width. The petitioner merely seeks permission to place a concrete slab over the channel to facilitate access to his property, as there is no other means of ingress.

3. Per contra, the learned Standing Counsel appearing for the second respondent Municipal Corporation, relying upon the order dated 24.04.2025 in Contempt Petition No.556 of 2024, drew attention to Paragraph 9 thereof, wherein the Kumbakonam Municipal Corporation has been restrained from permitting any individual to construct a bridge. It is further observed therein that such power is vested only with the Corporation, subject to obtaining express permission from the Water Resources Department. It is also submitted that a Review Application for reviewing the said order has already been filed before the Principal Bench of this Court and is presently pending.



W.P.(MD)No.7144 of 2026

4. I have considered the rival submissions made on either side and perused the materials available on record.

5. It is evident that the irrigation channel must be preserved and protected, and no activity that would cause damage or obstruction to its flow can be permitted. The photograph produced by the petitioner indicates that the channel is already lined with concrete walls on both sides and runs immediately in front of the petitioner's property. The compound wall of the petitioner abuts the channel, and access to the property is not possible without crossing the same.

6. In such circumstances, as rightly pointed out by the learned Standing Counsel for the second respondent, the matter requires appropriate permission in terms of the order dated 24.04.2025. Therefore, the petitioner must await the outcome of the proceedings. Only upon such permission being granted can the Corporation, in turn, consider the request of an individual such as the petitioner.

7. However, the possible course of action is also indicated in Paragraph 9 of the order dated 24.04.2025 in Contempt Petition No.556 of 2024, which is



W.P.(MD)No.7144 of 2026

extracted hereunder for ready reference:

"9. No further construction shall be put up in any of the Vaikals or Tanks, without express permission of this Court. No individual shall be permitted to build any bridge across any of the Vaikals within the Town, if any bridge is deemed necessary by the Kumbakonam Municipal Corporation, it can put up the same after obtaining express permission from the Water Resources Department."

8. It is evident that the Kumbakonam Municipal Corporation is vested with the authority to put up necessary structures, subject to obtaining permission from the Water Resources Department. Therefore, the Kumbakonam Municipal Corporation is directed to examine the request of the petitioner for installation of pre-fabricated slabs to facilitate ingress and egress to his property, without causing any damage to the irrigation channel or its structures, and strictly in accordance with the approval to be obtained from the Water Resources Department. Such exercise shall be undertaken by ensuring that the structure is confined to the minimum extent necessary. The cost for the same shall be borne by the petitioner, and it is open to the second respondent Municipal Corporation to collect the requisite charges.

9. With the above observations and directions to the second respondent / Kumbakonam Municipal Corporation, the Writ Petition stands disposed of. The



W.P.(MD)No.7144 of 2026

second respondent is directed to take expeditious steps to consider the petitioner's request and pass appropriate orders, and in any event, communicate its decision to the petitioner within a period of three (3) months from the date of receipt of a web copy of this order, without insisting upon a certified copy. No costs.

17.03.2026

Neutral Citation : No
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W.P.(MD)No.7144 of 2026

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W.P.(MD)No.7144 of 2026

D.BHARATHA CHAKRAVARTHY, J.

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W.P.(MD)No.7144 of 2026

17.03.2026

Page 8 of 8