



W.P.(MD)No.28370 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.28370 of 2023 &
W.M.P.(MD)No.24415 of 2023

P.K.Prakaash

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Rural Development and Panchayat Raj,
Secretariat,
Chennai.

2. The District Collector,
Collectorate Office,
Pudukkottai District,
Pudukkottai.

3. The Block Development Officer,
O/o. the Block Development Office,
Viralimalai Panchayat Union,
Pudukkottai District.

4. The Assistant Engineer,
O/o. the Assistant Engineer Office,
Viralimalai Panchayat Union,
Pudukkottai District.

5. The Tahsildar,
Viralimalai Taluk,
Pudukkottai District.

...Respondents

(R5 is *suo motu* impleaded vide Court Order dated 04.12.2023

in WP(MD)No.28370/2023)



W.P.(MD)No.28370 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from constructing the culvert obstructing the pathway in front of the petitioner's land comprised in S.No.398/1B2 to an extent of 10 Cents at Viralur Village, Viralimalai Taluk, Pudukkottai District, so as to enable the petitioner to have ingress and egress of the petitioner's agricultural land situated in S.No.398/1C, Viralur Village, Viralimalai Taluk, Pudukkottai District within the time that may be stipulated by this Court.

For Petitioner : Ms.H.Jasima Yasmin

For Respondents : Mrs.K.Malathi,
Additional Government Pleader
for R1, R2 and R5
No appearance for R3 and R4

ORDER

This Writ Petition has been filed to forbear the respondents from constructing the culvert obstructing the pathway in front of the petitioner's land comprised in S.No.398/1B2 to an extent of 10 cents at Viralur Village, Viralimalai Taluk, Pudukkottai District, so as to enable the petitioner to have ingress and egress of his agricultural land situated in S.No.398/1C, Viralur Village, Viralimalai Taluk, Pudukkottai District.

2. The learned counsel appearing for the petitioner would submit that due to the construction of the subject culvert by the official respondents, the petitioner is not in a position to reach his farm land. Hence, this Petition.



W.P.(MD)No.28370 of 2023

3. The learned Additional Government Pleader appearing for the respondents 1, 2 and 5 would submit that the subject culvert has been constructed for the purpose of free flow of water. Since the subject locality is a residential area, without the subject culvert, water would be stagnated in the same place.

4. In reply, the learned counsel appearing for the petitioner would submit that the subject culvert has been constructed in the petitioner's land and the same can very well be re-located and by doing so, there will be free flow of water and the petitioner can also access his farm land.

5. I have given due consideration to the submissions made on either sides and also perused the photographs produced before this Court.

6. The subject locality is a residential area. Upon perusal of the photographs, it appears that the subject culvert is necessary for free flow of water from one side of the road to the other side. Taking into consideration of the said aspect, Public Works Department has constructed the subject culvert. Under such circumstances, the subject culvert cannot be removed and no mandamus can be issued as prayed for by the petitioner. In the event,



W.P.(MD)No.28370 of 2023

if the subject culvert has been constructed in the petitioner's land, it is up to the petitioner to approach the concerned authorities for appropriate compensation.

7. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

03.02.2026

Speaking / Non-speaking order
Index : Yes/No
NCC : Yes/No

mbi



W.P.(MD)No.28370 of 2023

To

1. The Secretary to Government,
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W.P.(MD)No.28370 of 2023

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.28370 of 2023

03.02.2026