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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.35020 of 2025

S.Paulraj

... Petitioner

Vs.

The Assistant Engineer,
Water Resource Organisation
(Additional Incharge),
Water Resource (Special) Division,
Thuckkalai, Kanniyakumari District.

...Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the respondent impugned order in Letter No.688/Ko. 22/Upo(C)/2025 dated 21.11.2025 and quash the same and laying the road in Survey Nos.211,226/4 situated at Karichangulam, Vellarakulam for agriculture purpose of the farmers in Paraiyadi, Villukuri B Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner	: Mr.H.Velavadhas
For Respondent	: Mr.S.P.Maharajan Special Government Pleader



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ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This writ petition has been filed challenging the impugned order dated 21.11.2025 rejecting the representation of the petitioner seeking permission to lay road on the water channel.

2. According to the petitioner, he is an agriculturist and he is cultivating paddy crops in the subject property. He has to cross a surplus channel ('kal') from Vellarakulam to Karichankulam to reach his agricultural land. Hence, the petitioner and other farmers have decided to put up a road in that surplus channel to reach out their agricultural lands without any hindrance. For such purpose, the petitioner earlier filed W.P.(MD)No.5359 of 2025 for a mandamus directing the respondents to form the road from Velarankulam to Karichankulam for the agriculture purpose of the petitioner and other farmers land. The Court has directed the respondent to consider the representation of the petitioner. Now, after initiation of the contempt proceedings, the respondent has rejected the representation of the petitioner. Hence, the petitioner has filed the present writ petition.



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3.The learned counsel for the petitioner submits that the petitioner is getting water for irrigation of his agricultural land from Pallikarankulam, which is having an extent of 59 acres. He has to use tractor through the surplus channel from Velarankulam to Karichankulam to reach out his land. Therefore, he seeks permission to lay the road in the said surplus channel by laying appropriate pipeline without affecting the water flow to other channel. Therefore, the order impugned in this writ petition is sought to be cancelled.

4.Counter affidavit has been filed by the respondent stating that during inspection of the subject property, it is found that the surplus channel from Vellalarkulam to Karichankulam was about 20 m long and 1.2 m wide. If this surplus channel is filled with soil and a path is constructed, the supply of water to the ponds below it, such as Karinchankulam and Oothukuzhikulam will be obstructed and it may lead to affect larger agricultural lands. Further, damage will also be caused to the Karinchankulam during rainy season, if the tank is overfilled. Though the petitioner was permitted initially, at the time of 'farmer's grievance meeting' held on 23.01.2025, to lay pipeline and to



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fill the soil in the surplus channel from Vellarakulam Pond to Karinchankulam for the purpose of laying the road, there were objections from the villagers for laying such pipeline. However, without adhearing to the said objections, the petitioner has himself laid the pipeline.

5.Heard the learned counsel appearing on either side and perused the entire materials placed on record.

6.It is an admitted position that the ponds in the area in question constitute the primary source of irrigation for agricultural activities. It is further evident that, through the surplus channel (“kal”) running from Vellalarkulam to Karichankulam, water is supplied to several other ponds. Therefore, any obstruction or blockage of the said surplus channel would inevitably disrupt the flow of water to these interconnected water bodies, thereby causing serious prejudice to the agriculturists who are depending upon the same for their livelihood.

7.The grievance of the petitioner is that to reach out his agricultural land, a path has to be created over the channel. It is not in dispute that the petitioner was initially granted permission to lay a



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pipeline over the channel. However, owing to practical difficulties encountered in the implementation of the same, the said permission was subsequently withdrawn and the pipeline was directed to be removed.

8. In the above circumstances, this Court is of the considered view that the relief sought by the petitioner cannot be granted, as it would adversely affect the larger public interest, particularly the irrigation needs of the region. Accordingly, this Court finds no merit in the writ petition and therefore, it is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
10.03.2026

Index : Yes/No
Internet : Yes
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To

The Assistant Engineer,
Water Resource Organisation
(Additional Incharge),
Water Resource (Special) Division,
Thuckkalai, Kannyakumari District.



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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