



W.P(MD)No.36319 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.36319 of 2025

and

W.M.P(MD)Nos.28902, 28903, 8338, 7865 & 7866 of 2026

1.A.Wins Anto
2.V.Murugesapillai
3.S.Thanupillai
4.D.Jenil Singh

... Petitioners

Vs

1.The Secretary,
Ministry of Environment and Forest,
New Delhi.

2.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
New Delhi 110 001.

3.The Chair Person,
Tamil Nadu Pollution Control Board,
78, Anna Salai,
Guindy, Chennai 600 032.



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4.The Director General,
National Highways Authority of India,
G5 and 6, Sector 10,
Dwarka, New Delhi - 110 075.

5.The General Manager(T) TN,
National Highways Authority of India,
G5 and 6, Sector 10,
Dwarka, New Delhi – 110 075.

6.The Project Director,
National Highways Authority of India,
PIU, NH47 and 47B,
No.314E, K.Proad, Parvathipuram,
Nagercoil, Kanyakumari District.

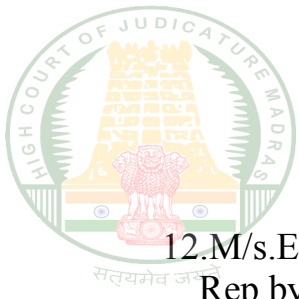
7.The District Collector,
Kanyakumari District,
Nagercoil.

8.The Executive Engineer,
Kodayar Basin Division,
Water Resources Department,
Nagercoil,
Kanyakumari District.

9.The Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District.

10.The Competent Authority /
Special District Revenue Officer,
Land Acquisition National Highways,
NH 47 and 47B, Collectorate Campus,
Tirunelveli.

11.The District Forest Officer,
Nagercoil,
Kanyakumari District.



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12.M/s.EEK Infrastructure Ltd.,
Rep by its Managing Director,
Mr.Sanju Muhammed,
Regd.Office No.16,
Dharmaraja Kovil Street,
Chennai - 600 002.

13.M/s.TTK Construction,
Rep by its Partner / Managing Director,
Mr.T.Rajavel Pandian,
D.No.5/1, Mayilagam,
Thirumukkulam South Street,
Madurai District – 625 002.

14.The Principal Secretary,
Water Resources Department,
Government of Tamil Nadu,
Chennai-9

15.The Chief Engineer,
Madurai Region,
Water Resources Department,
Thallakulam, Madurai.

16.The Superintending Engineer,
Thambirabharani Circle,
Water Resources Department,
Palayamkottai,
Tirunelveli.

17.The Assistant Executive Engineer,
Pazhayaar Sub Division,
Water Resources Department,
Nagercoil.

18.The Assistant Executive Engineer,
Thuckalay Sub Division,
Water Resources Department,
Thuckalay.



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19.The Assistant Executive Engineer,
Pattanamkal Sub Division,
Water Resources Department,
Kuzhithurai.

20.The Assistant Executive Engineer,
Cheruppalloor Sub Division,
Water Resources Department,
Kulasaekaram,
Cheruppalloor Post.

21.The Assistant Executive Engineer / Nodal Officer,
Tank Restoration Scheme Sub Division,
Thuckalay Cum Nodal Officer For Nhais Works.

22.The Assistant Engineer,
Mylady Irrigation Section,
Mylady Post.

23.The Assistant Engineer,
Nagercoil Irrigation Section,
Nagercoil Post.

24.The Assistant Engineer,
Eraniel Irrigation Section,
Neyyoor Post.

25.The Assistant Engineer,
Thuckalay (Special) Section,
Thuckalay Post.

26.The Assistant Engineer,
Thuckalay Irrigation Section,
Thuckalay Post.

27.The Assistant Engineer,
Pattanamkal Irrigation Section,
Kuzhithurai and Post.



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28.The Assistant Engineer,
Neyyaru Irrigation Section - II,
Kuzhithurai and Post.

***(Respondents R.14 to R.28 were impleaded
vide order of this Court dated 09.04.2025)***

... Respondents

For Petitioner(s):

Mr.T.Arul

For Respondent(s):

Mr.Sundaravadivel
CGSC for R.1 & R.2

Ms.Madhuri Donti Reddy for R.3 & R.9

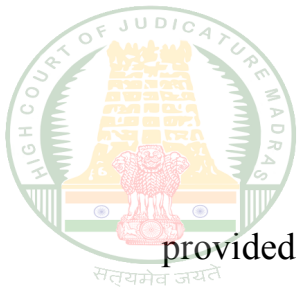
Mr.K.Govindarajan
Deputy Solicitor General of India
for R.4 & R.5

Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.7, R.8, R.10, R.11, R.14 to R.28

Mr.Su.Srinivasan
Standing Counsel for R.6

Mr.R.Nandhakumar
for R.12 & R.13

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the Respondents to restore the Tanks/Ponds, Canals/Supply Channels/Field Canals/Surplus Course and the Irrigative Channels as contemplated under the Protection Of Tanks And Eviction Of Encroachment Act, 2007 to its original position as per the details



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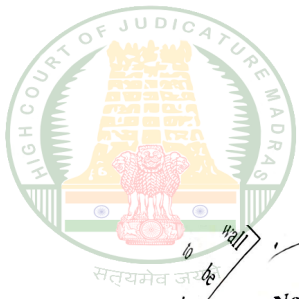
provided in the Annexure-I enclosed along with this Affidavit based on the Representation made by the 1st Petitioner dated 21.09.2025 within a fixed time frame before the construction work is completed by the 12th and 13th Respondents who is undertaking the Project Work of the Respondents 1 to 11 across the vital ecologically sensitive Tanks / Ponds, Canals/Supply Channel/Field Canals/Surplus Course and the Irrigative Channels and also to implement various undertakings/directions given by the official respondents vide Para No.22 of the common affidavit in this writ petition.

ORDER

Heard both sides.

2.The petitioners are residents of Kanyakumari District and are public spirited individuals interested in protecting its water bodies. NHAI is engaged in construction of four lane in NH66 since 2010. The project was the subject matter of challenge before the National Green Tribunal also with regard to environmental clearance. The project is ongoing and is heading towards completion.

3.The petitioners point out that in the course of implementing the project, a number of water bodies have been adversely affected. Few of them have even been obliterated. Details regarding the adverse impact created by the project have been set out in the affidavit filed in support of the writ petition. They are as follows:



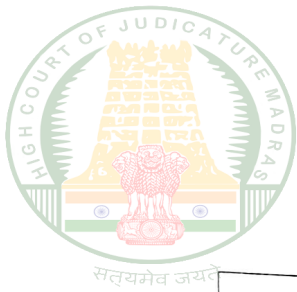
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SL No	Place & Location of the Canals with latitude and Longitude	Present Stage	Remarks	Steps to be undertaken
1.	Name: Mankaadu Branch Canal Place: Kulappuram, Methukumal Lat: 8.317525 Lon: 77.15437	This System canal was breached near Under Tunnel since instead of regulating the drainage water through Under Tunnel it was linked with the main Channel.	1)This is a vital canal because the water from Neyyar Dam flows through number of Tanks till the Tail Ends of it and the place it was blocked, this canal carries water for approximately 4 Kms distance. 2)The drainage of the road was directly linked with the main channel.	1) The drainage of the road should be linked with the Under Tunnel thereby segregating the flow of water from the Main Channel.
2.	Name: Iranipuram Branch Canal Place: Mangattanvilai, Kappukadu Lat: 8.289613 Lon: 77.200981	The system canal was destroyed and the water flow to the Tail End was stopped.	1)This is a vital canal because the water from Pattanamkal flows through it to for more than 6 Tanks and from the place it is blocked, this Canal carries water for approximately 2 Kms distance. 2)Branch canal was completely cut and removed and the new road was formed across it nearly 30 Meters depth.	A new aqueduct should be constructed across the road and linked with the channel.
3.	Name: Mulankuzhi Branch canal Place: Thottathuvilai Lat: 8.28858	The System canal was destroyed and the water	1)This is a vital canal because the water from Pattanamkal was flows through it to for more	A new aqueduct should be constructed across the road and

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Kothayar Irrigation System



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	Lon:77.207672	flow to the Tail End was stopped.	than 5 Tanks and from the place it is blocked, this Canal carries water for approximately 2 Kms distance. 2)Branch canal was completely cut and removed and the new road was formed across it nearly 35 Meters depth.	linked with the channel.
4.	Name: Panachakulam Field Canal Place: Ethichavayalkarai, Kappiyarai Lat: 8.257383 Lon:77.266137	Some portion of the Field canal was destroyed.	The Field canal was partially closed by dumped Earth/Soil.	1)Culvert should be constructed. 2) The side walls should be constructed to a minimum height of 30 Meters on both sides of the Culvert to protect the canal.
5.	Name: Paraiyadi Thamaraikulam Kal Place: Near London mission church, Saroja Nagar, Nagercoil Lat: 8.197785 Lon:77.397243	The Surplus canal was destroyed and the water flow to the Tail End was stopped.	1)This is a vital canal because the surplus water from Thamaraikulam Tank was flows through it for more than 7 Tanks and from the place it is blocked, this Canal carries water for approximately 2 Kms distance. 2)Surplus canal was completely cut and removed and closed by dumped Earth/Soil.	Culvert should be constructed and it should be linked with the canal.

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Kothayar Irrigation System
WRO/PWD, Nagercoil



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6.	Name: Putthanarkulam surplus canal Place: Near Pottaiyadi, Kanyakumari Road Lat: 8.143511 Lon:77.486318	The alignment of the surplus canal was diverted.	1)This is a vital canal because the surplus water from 7 Tanks drains through it and from the place the water was diverted, this Canal carries water for approximately 1 Kms distance. 2)A new pipe Culvert is now laying for service road by extending the existing pipe Culvert, but the alignment is diverted.	The Culvert should be constructed on the correct alignment, so as to allow free flow of water through the channel
7.	Name: Thalakulam InletKal Place: Krishnanputhooor, Variyoor ,(near the Tank No35) Lat: 8.109582 Lon:77.53373	The water flow through the supply canal was obstructed.	1) This is a vital canal because the water from this Canal flows through more than 8 Tanks and from the place it was blocked, this Canal carries water for approximately 1 ½ Kms distance. 2)There are no side walls on both sides of the newly constructed Culvert of this canal. So, the Earth was slided inside the kal.	Side walls should be constructed for the Culvert and canal.

4.The only demand made by the petitioners is that the original position with regard to water bodies must be restored post completion of the project.

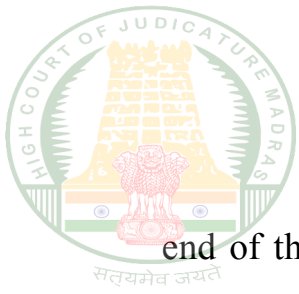


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“3. ... , it is respectfully submitted that no water bodies have been damaged due to construction of the subject 4-laning project. All the water bodies have been considered during the construction of four lane road and suitable mitigation measures have also been provided such as provision of Major Bridges, Minor Bridges, Culverts, etc. to protect the water body. The present work is likely to be completed by August 2026. However, the contract with the present contractor provides for a maintenance / Defect Liability Period of ten years after completion. Therefore, any defects or required corrective works can be duly attended at any point of time as and when they arise during the said maintenance / Defect Liability Period. The Court can issue appropriate direction to satisfy itself that defects pointed out by the writ petitioner have been rectified after completion of the bridge construction work.”

6.Thiru.Sachin Kumar, the present Project Director is present in person. He categorically states that the restoration work will also proceed simultaneously with the completion of the project and that in any event, by the



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end of this year, the position that originally obtained with regard to the water

bodies would be restored. This undertaking is given in the presence of the

learner Deputy Solicitor General of India and it is placed on record.

7.In view of the undertaking given by NHAI, this writ petition stands allowed. No costs.

(G.R.SWAMINATHAN J.) (B.PUGALENDHI J.)

16-04-2026

MGA

To

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Ministry of Environment and Forest,
New Delhi.
- 2.The Secretary,
Ministry of Road Transport and Highways,
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- 3.The Chair Person,
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M/s.EEK Infrastructure Ltd.,
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- 13.The Partner / Managing Director,
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G.R.SWAMINATHAN, J

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B.PUGALENDHI, J.

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