



W.P(MD)No.3780 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3780 of 2022 and
WMP(MD) No.3289 of 2022

1. Chinnappa Narangiyar K
2. Muthukumar
3. Arumugam

Petitioners

Vs

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Thasildar,,
Kulathur Taluk,
Pudukkottai District.
- 4.The Executive Engineer,
PWD/WRO,
South Vellaru Basin,
South Division,
Division Office,
Pudukkottai District.



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5.The Superintending Engineer,
PWD/WRO,
Middle Cauvery Basin Circle,
Trichy District.

6.The Assistant Engineer,
PWD/WRO,
South Vellaru Basin,
Pudukkottai District.

...Respondents

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 remove the shutters constructed on the bank of Aranikulam in Moottampatti Village Aranikulam of Kulathur Taluk, Pudukkottai District.

For Petitioner : Mr.R.Paranjothi
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioners, who are the Ayacut Pattathars of Moothankulam Tank have filed this writ petition seeking for a direction to the respondents to remove the shutter constructed on the bank of the Aranikulam in Moottampatti Village, Pudukkottai District.



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2.The learned counsel appearing for the petitioners submits that there are eight tanks in Mootampatti Village, Kulathur Taluk, Pudukkottai District and all the tanks are connected with each other. The surplus water of one Tank flows to another tank and at last, the surplus water drains in Agni River. In the year 1998, two shutters were constructed in Aranikulam, in order to facilitate few Ayacutthars of Moottankulam. During heavy rain in the year 1998, rain water stagnated in Aranikulam itself, due to the shutters newly constructed, thereby, paddy crops got damaged. Therefore, the petitioner along with other Ayacutthars have submitted a representation to the official respondents for removal of the shutters. However, no action has been taken.

3.The learned Special Government Pleader appearing for the respondents by referring a counter affidavit filed by the fourth respondent submits that this Aranikulam Tank is the non-system Tank and the source of this tank is only rain water from its



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catchment area. The Ayacut of this tank is 79.23.0 Ha. During Monsoon period, this Aranikulam Tank receives water from Andankulam Anicut which is constructed across the Agniyar River in Andakulam Village of Kulathur Taluk, Pudukkottai District and also from drains located in the nearby farm lands. The shutter of this Aranikulam tank acts as both inlet and outlet to receive water and discharge the surplus water respectively. This Aranikulam tank once it reaches its full tank level (FTL), the surplus water will overflow above the Inlet cum outlet shutter and drains into Agniyar River through the weir. When the tank reaches its full tank level, the foreshore area will naturally be surrounded by water and the surplus water will be discharged through the weir unconditionally. During the past monsoon, this Aranikulam tank achieved its full capacity. The foreshore was fully surrounded by the water. The Mootampatti Village farmers, who are cultivating farms in the foreshore and who are not the Ayacutdars of Aranikulam tank requested to drain out of the water immediately in order to avoid the damage of their crops. In non system tanks, the water regulation is done by the Ayacutdars of



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that particular tank. Based on the petitions received from the Moottampatti Village farmers, who are farming in foreshore area, the WRD and Revenue officials requested the Ayacutdars of Aranikulam Tank to drain out the water to prevent the damage to the crop by opening the shutter. This has become a chainage issue in the past monsoon leading to local riots. In order to sort out the issues, a peace committee was conducted by the Tahsildar of Kulathur Taluk in Taluk Office along with WRD and Police Department. During the Peace Committee meeting, the facts and the technical points have been explained to both village farmers. Water Resource Department has requested the Revenue Department to investigate and fix the original boundary of the Aranikulam Tank. The Mootampatti Village people, who are cultivating farms in the foreshore area of the Aranikulam tank have raised their concern to remove the shutter. If the shutter is removed, the water cannot be stored in this tank to its full capacity affecting the riparian rights of Ayacutdars of Aranikulam Tank. Hence, the removal of the shutter may not be possible.



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4.In view of the above, this writ petition is dismissed.

However, liberty is granted to the petitioners to approach the competent civil Court to establish their rights. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC :Yes/No
Index :Yes/No
Internet:Yes
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B.PUGALENDHI, J.

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