

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.35692 of 2015

R. Kandasamy

Petitioner

vs.

1 The District Collector, Tirupur

2 The Revenue Divisional Officer
Dharapuram, Tirupur District

3 The Divisional Officer
Dharapuram Division
Dharapuram, Tirupur District

4 The Assistant Engineer
PWD/WRD
Kundadam Irrigation Section
Kundadam, Dharapuram Division, Tirupur District

5 Ponnusamy Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 3 and 4 to remove the encroachment of the PAP Sub Irrigation Channel which passes through the fifth respondent's land in S.F. No.337/4 for distributing water from the main channel to the petitioner's land in S.F. Nos.358/1,2,4,5,6,8 and restore the same.

For petitioner Mr. M. Easan

For RR 1-4

Mrs. A. Srijayanthi,
Spl. Govt. Pleader

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ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 4. Notice to the fifth respondent is dispensed with at this stage, as no adverse order is being passed against him in this writ petition.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 3 and 4 to remove the encroachment of the Parambikulam Azhiyar Project (PAP) Sub Irrigation Channel which passes through the fifth respondent's land in S.F. No.337/4 for distributing water from the main channel to the petitioner's land in S.F. Nos.358/1,2,4,5,6,8 and restore the same.

3 The case of the petitioner is that he was granted permission to utilise the water facility under PAP Sub Irrigation Channel by the competent officer, viz., the fourth respondent. In the meantime, the fifth respondent is creating obstruction to the petitioner's utilisation of the aforesaid facility and as such, a representation was made by him to the fourth respondent on 26 August 2013 to ensure that there is no blockage or obstruction in the flow of PAP Channel as caused by the fifth respondent. The fourth respondent, vide communication dated 23 September 2013, informed the Tahsildar, Dharapuram, to take necessary action. The petitioner has, thereafter, again, made a representation on 07 October 2013 to the Superintending Engineer and other concerned Engineers of the Public Works Department. A further representation was made by him to the District Collector, Tiruppur, pointing out the inaction on the part of the officers of the Irrigation Department as well as the Tahsildar concerned on the complaint made by him. Till date, no step has been taken to remove the obstruction, blockage and encroachment made by the fifth respondent. The petitioner has been subject to untold suffering for the last so many years on account of the aforesaid obstruction caused by the fifth respondent.

4 The learned Special Government Pleader submits that a direction may be issued to the officers concerned to initiate action forthwith to ensure that there is no obstruction or encroachment, which impedes free flow of water in the Channel in question.

5 In view of the aforesaid submission of the learned Special Government Pleader, it is ordered accordingly. The District Collector, Tiruppur, is directed to look into the petitioner's complaint and ensure that the officers responsible for the maintenance of the Irrigation Channel examine the

complaint made by the petitioner and take consequential action in accordance with law, after affording an opportunity of hearing to the alleged encroachers, at the earliest, preferably, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of accordingly. Costs made easy.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad
To

- 1 The District Collector
Tirupur
- 2 The Revenue Divisional Officer
Dharapuram, Tirupur District
- 3 The Divisional Officer
Dharapuram Division
Dharapuram, Tirupur District
- 4 The Assistant Engineer
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Kundadam Irrigation Section
Kundadam, Dharapuram Division
Tirupur District

+1 cc to Mr.M.Easan Advocate sr.60560

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