

In the High Court of Judicature at Madras

Dated: 30.11.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.36312 of 2015
& M.P.No .1 of 2015

R.Palanisami

.. Petitioner

Vs.

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The District Revenue Officer,
Coimbatore District,
Collectorate, Coimbatore.
- 3.The Sub Collector,
Pollachi, Coimbatore District.
- 4.The Executive Engineer,
Public Works Department,
Aliyar Basin Division, Pollachi,
Coimbatore District.
- 5.The Assistant Executive Engineer,
Public Works Department,
Aliyar Basin Division, Pollachi,
Coimbatore District-642 003.

6.K.Shanmugam

.. Respondents

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the Respondents 1 to 5 to form a Madai at the South-East Corner of the Land in S.No.198/2G at distance of 50 meters from Madai No.4 for the supply of water of lands in S.Nos.199/1A 1B 1C 1D 2A and 2B and 198/2E Kurunellipalayam Village, Kinathukadavu Taluk, Coimbatore District.

For Petitioner : Mr.V.Ravi

For Respondents : Mr.P.Karthikeyan,
1 to 5 Government Advocate

ORDER

This is the third round of litigation initiated once again by the petitioner with reference to the same dispute. The sum and substance of the grievance of the petitioner is that the private respondents shall not be allowed to take water without forming a Madai, which might affect the water flow to the petitioner's land.

2. In pursuant to the direction issued by this Court, the Executive Officer, Public Works Department, has conducted a detailed enquiry and sent his recommendation to the first respondent in and by the letter dated 09.03.2015. Therefore, the only direction that can be issued in this regard is to call upon the first respondent to take a decision on the recommendation made by the fourth respondent. Otherwise, the power of judicial review of this Court over this matter is very much limited.

3. Accordingly, the writ petition stands disposed of by directing the first respondent to pass appropriate orders in pursuant to the communication of the fourth respondent's letter dated 09.03.2015 within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Coimbatore District, Coimbatore.

2.The District Revenue Officer,
Coimbatore District,
Collectorate, Coimbatore.

3.The Sub Collector,
Pollachi, Coimbatore District.

4.The Executive Engineer,
Public Works Department,
Aliyar Basin Division, Pollachi,
Coimbatore District.

5.The Assistant Executive Engineer,
Public Works Department,
Aliyar Basin Division, Pollachi,
Coimbatore District-642 003.

1 CC to the Government Pleader, SR.No.65214
+1cc to M/S.V.Ravi, Advocate sr.65019[18/12/2015]

kra 16.12.2015

W.P.No.36312 of 2015



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