

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.1511 of 2016

S.Myilsamy

.. Petitioner

Vs.

The Executive Engineer
Public Works Department
Parambikulam Azhiyar Project
Azhiyar Basin Sub Division
Makkinampatti Post
Pollachi Taluk,
Coimbatore District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to issue No objection to the petitioner to lay pipelines underneath the left side bund of PAP canal to the distance of 400 meters to take water from the well erected in the petitioner's patta land bearing SF.No.344/5A1B to the petitioner's other lands in SF.No.301/2B, Malaipalayam Village for cultivation by considering his representation dated 28.12.2015.

For Petitioner : Mr.N.Manokaran

For respondent : Mr.V.Subbiah, Spl. Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he is an agriculturist owning land in SF.No.344/5A1B and SF.No.301/2B in Malaipalayam Village. The petitioner had dug a well in SF.No.344/5A1B and got electricity connection and he made application to the respondent to take water from the SF.No.344/5A1B to the land in SF.No.301/2B through the bunds of PAP main canal to the distance of 400meters. The petitioner would state that local panchayat has passed a resolution Nos.178 and 252 dated 18.10.2010 and 18.05.2011 respectively, giving no objection to take water as requested by the petitioner. Despite the same, the respondent has not passed any orders, therefore, the petitioner made another

representation dated 28.12.2015. Since, no order has been passed, the petitioner filed the present writ petition.

3.Heard the submissions of Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.V.Subbiah, Special Government Pleader who accepts notice on behalf of the respondent.

4.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to consider and pass orders on the application of the petitioner made in the year 2010 and the representation of the petitioner dated 28.12.2015 and by taking into consideration the resolution Nos.178 and 252 dated 18.10.2010 and 18.05.2011 respectively passed in the panchayat of Malaipalayam and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To
The Executive Engineer
Public Works Department
Parambikulam Azhiyar Project
Azhiyar Basin Sub Division
Makkinampatti Post
Pollachi Taluk,
Coimbatore District.

+ 1 cc to Government Pleader sR.3301
+ 1 cc to Mr.N. Manokaran, Advocate SR.2909

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SKV(CO)
Eu 11.02.16