

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.32783 of 2015
and
M.P.No.1 of 2015

Subramaniam

.. Petitioner

Vs

1.The Government of Tamil Nadu
represented by its Secretary
Public Works Department
Fort St. George
Chennai-9.

2.The Executive Engineer
Office of the Executive Engineer
Public Works Department
River Water Irrigation Division
Namakkal.

3.The Commissioner
Kabilarmalai Village Panchayat
Paramathivelur Taluk
Namakkal District.

4.The President
Kothamangalam Lift Irrigation
Cooperative Society Ltd. No.SN.264
Kothamangalam Village and Post
Paramathivelur Taluk
Namakkal District - 637 213.

5.The Special Officer
Kothamangalam Lift Irrigation
Cooperative Society Ltd. No.SN.264
Kothamangalam Village and Post
Paramathivelur Taluk
Namakkal District - 637 213.

6.S.Palanisamy

7.Smt.Supayee Vadivelu

8.V.Viswanathan

9.M.K.Maruppana Gounder

... Respondents

Prayer : The writ petition is filed under Article 226 of the constitution of India to issue a Writ of Mandamus, directing the third respondent to lay the pipeline, as per the order, dated 14.8.2015 of the third respondent made in Na.Ka.No.A.2/450/2015, through Survey Nos.116/1 and 115/1 as reflected in the rough sketch annexed in the typed set of papers to draw water from the Gate Valve located at the point " B " in the rough sketch to irrigate the lands of the petitioner situated in Survey Nos.115/2A and 115/2E in terms of the G.O. (Ms.) No.767, dated 20.4.1982.

For Petitioner : M/s.G. Thilakavathi

For Respondents Nos.1 & 2: Mr.V. Jaya Prakash Narayanan
Spl.G.P.

For Respondent No. 3 : Mr.M.Digvijaya Pandian

For Respondents Nos.4 & 5 : Mr.E.M.S. Natarjan

For Respondents Nos.6 to 9: No appearance

O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the third respondent to lay the pipeline, as per his order, dated 14.8.2015, in Na.Ka.No.A.2/450/2015, through Survey Nos.116/1 and 115/1, to draw the water from the Gate Valve located at point " B ", as shown in the rough sketch, to irrigate the lands of the petitioner, situated in Survey Nos.115/2A and 115/2E, in terms of G.O.(Ms.) No.767, dated 20.4.1982.

3. At this stage of the hearing of the writ petition, the learned counsel, appearing on behalf of the petitioner had submitted that all the necessary charges, as required by the

third respondent had been paid, as per the Schedule contained in the proceedings of the Divisional Engineer, Namakkal, dated 27.10.2014. However, the third respondent had not taken necessary steps, to enable the petitioner, to lay the pipeline in question.

4. The learned counsel, appearing on behalf of the third respondent had submitted that a notice will be issued to the petitioner, in advance, with regard to the steps to be taken, by the third respondent, to enable the petitioner to lay the pipeline. Thereafter, it is for the petitioner, to lay the pipeline, as per the instructions of the third respondent.

5. The learned counsel had further submitted that necessary steps would be taken, by the third respondent, during the second week of November, 2016, to enable the petitioner to lay the pipeline, as prayed for by the petitioner.

6. The learned counsel, appearing on behalf of the petitioner had submitted that the petitioner is ready to pay, if any further fee is required to be paid, by the petitioner, as well as any other incidental expenses, for the laying of the pipeline.

7. In view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the third respondent, the third respondent is directed to take necessary steps during the second week of November, 2016, to enable the petitioner, to lay the pipeline, as prayed for by the petitioner. The petitioner shall pay the necessary charges, if any, to enable the third respondent to carry out the necessary works, as per the order of the third respondent, dated 14.8.2015.

The writ petition is disposed of, with the above directions. No costs. Consequently, connected M.P. is closed.

सत्यमेव जयते
sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

rnb

WEB COPY

To

1.The Secretary
Government of Tamil Nadu
Public Works Department
Fort St. George
Chennai-9.

2.The Executive Engineer
Office of the Executive Engineer
Public Works Department
River Water Irrigation Division
Namakkal.

3.The Commissioner
Kabilarmalai Village Panchayat
Paramathivelur Taluk
Namakkal District.

4.The President
Kothamangalam Lift Irrigation
Cooperative Society Ltd. No.SN.264
Kothamangalam Village and Post
Paramathivelur Taluk
Namakkal District - 637 213.

5.The Special Officer
Kothamangalam Lift Irrigation
Cooperative Society Ltd. No.SN.264
Kothamangalam Village and Post
Paramathivelur Taluk
Namakkal District - 637 213.

1 cc to M/s.G. Thilakavathi, Advocate, Sr. 52796
1 cc to M/s.M. Digvijaya Pandian, Advocate, Sr. 52470
1 cc to Government Pleader, Sr. 52808

Writ Petition No.32783 of 2015
and
M.P.No.1 of 2015

WEB COPY

VD (CO)
kk 1/11