

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30508 of 2016

And

W.M.P.No.26441 of 2016

C.Siva Senapathy

... Petitioner

Vs.

- 1 The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works Department,
Fort St. George, Chennai - 9.
- 2 The Superintending Engineer,
Water Resources Organization,
Public Works Department,
Collectorate,
Erode.
- 3 The Executive Engineer,
Water Resources Organization,
Public Works Department,
Konavaikkal, Erode - 2.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 2 and 3 from constructing new vent or altering the existing vent (Visiri mathagu) downside of the sluice No.7 at Anjur distributary canal in L.B.P Mangalapatti main distributary channel, by considering the

representation of the petitioner dated 10.08.2016.

For Petitioner : Mr.D.Balachandran
For Respondents : Mr.S.V.Durai Solaimalai
Additional Government Pleader

ORDER

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

2.The petitioner claims to be the owner of the agricultural lands comprised in S.Nos.620, 621/3, Anjur Village, Aravakurichi Taluk, Karur District admeasuring to an extent of 5 Acres and the said lands are getting irrigation facilities from the Lower Bhavani Project irrigation system from the Bhavani Sagar Dam and the said system came into being in the year, 1954 for the purpose of providing irrigation facilities to an extent of 2,07,000 acres in Karur, Tirupur and Erode Districts and insofar as the water supply to the petitioner's lands are concerned, it is under the Ayacut through sluice No.7 in the Anjur Village distributary canal at mile no.124 of L.B.P. Mangalapatty main distributary.

3.The grievance expressed by the petitioner is that instead of the existing pipe, a new open type vent is sought to be constructed and in that event, the water supply to the petitioner's land as well as the neighbouring lands who is under the Ayacut, will get definitely

reduced and since the second respondent is contemplating to quote a tender for that purpose, the petitioner submitted a detailed representation dated 10.08.2016 and despite receipt and acknowledgement of the same on 11.08.2016, no response is forthcoming and hence, came forward to file this writ petition.

4. Heard the submissions of Mr.D.Balachandran, learned counsel appearing for the petitioner and Mr.S.V.Durai Solaimalai, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's representation dated 10.08.2016, in accordance with law and after putting on notice, the persons concerned, if any, pass orders, within a period of four weeks from the date of receipt of a copy of this order and till then, defer further decision in that regard.

M.SATHYANARAYANAN,J.

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6. The writ petition is disposed of accordingly. No costs.

Consequently, the connected miscellaneous petition is also closed.

01.09.2016

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Index: Yes/ No

Internet: Yes/ No

To

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