

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.37611 of 2016

S.Vijayasekaran

.. Petitioner

Vs.

1. The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Public Works Department,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Engineer-in-Chief,
Public Works Department,
(Water Resources Organization),
Chepau, Chennai - 600 005.
4. The Chief Engineer, P.W.D., (W.R.O.),
Coimbatore Zone, Town Hall,
Coimbatore - 641 001.
5. The Superintendent Engineer, P.W.D. (W.R.O.),
Parambikulam Aliyar Basin Circle,
Pollaci - 642 003.
6. The District Revenue Officer,
Coimbatore.
7. The District Revenue Officer,
Tiruppur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the

respondents to consider petitioner representation dated 14.10.2016 and consequently direct the respondents to release the water for 2nd Zone Ayacot (i.e. from August 2016 to December 2016) of the PAP based on the current data's to be furnished by the respondents 6 and 7 within stipulated time as fixed by this Court.

For Petitioner : Mr.M.A.P.Thangavel

For Respondents : Mr.ManiShankar,
Additional Advocate General
Assistated by Mr.A.Kumar,
Special Government Pleader
Mr.C.Prakasam
for intervenor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Advocate General for the respondents.

2. The case of the petitioner is that he is eking out his lively hood through agriculture. The petitioner is the absolute owner of the land along with his parents at S.F.No.8/1, 9/B-3, 136/3 at Ragalpavi & Ganapathi Village, Udumalpet, Taluk, Tiruppur District to an extent of about 18 acres and he is one of the beneficiaries or water users of the Parambikulam Alliyar Project. The petitioner is having the source of irrigation for agricultural crops through Parambikular Aliyar Project, nowadays which is totally taken away due to mismanagement of the irrigation project by some third parties with some of the officials of the respondent, who are coming under non-registered ayacat lands with PAP irrigation. Therefore, there was huge shortage of water for irrigation of his land as well as other legitimate expectation of other agriculturist. Since that so called water graping persons, graping irrigation water and used in the non ayacot and non zone lands and also selling the water to coconuts crops without any right what so ever, the petitioner had sent various representations to the respondents and lastly sent a representation to the respondents on 14.10.2016. But the same was not considered till date. Hence, the petitioner has come forward with the present Writ Petition.

3. Today, when the matter was taken up, the learned Additional Advocate General submitted that the application made by the petitioner will be considered in accordance with law. He also made it clear that notice will be issued to all the

Ayakots, while considering the representation of the petitioner.

4. Mr.Prakasam, intervened and stated that they are also having interest in the grant of water and they have to establish their legal right to get the water.

5. Considering the submissions on either side, this Court directs the third respondent to consider the representation of the petitioner dated 14.10.2016, after giving notice to all the interested parties, and pass appropriate order on merits and in accordance with law within a period of fifteen days from the date of receipt of a copy of this Order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Public Works Department,
Government of Tamilnadu,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Engineer-in-Chief,
Public Works Department,
(Water Resources Organization),
Chepau, Chennai - 600 005.
4. The Chief Engineer, P.W.D., (W.R.O.),
Coimbatore Zone, Town Hall,
Coimbatore - 641 001.

5. The Superintendent Engineer, P.W.D. (W.R.O.),
Parambikulam Aliyar Basin Circle,
Pollaci - 642 003.

6. The District Revenue Officer,
Coimbatore.

7. The District Revenue Officer,
Tiruppur.

+lcc to Mr.C. Prakasam, Advocate, S.R.No.63834
+lcc to Mr.P. Thangavel, Advocate, S.R.No.63472
+lcc to the Government Pleader, S.R.No.63278

nr (CO)
md (18/11/2016)

W.P.No.37611 of 2016



WEB COPY