



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
AND
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.189 of 2014
and
M.P. (MD) No.1 of 2014

B.Raja

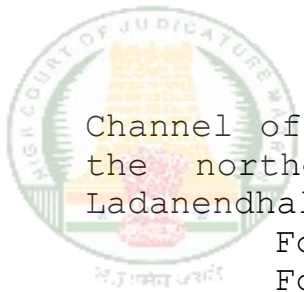
: Petitioner

Vs.

- 1.The Secretary,
Public Works Department,
Fort St. George, Chennai.
- 2.The Chief Engineer,
Design, Research and Construction Support,
Chennai.
- 3.The Chief Engineer,
Public Works Department,
Madurai Region, WRO, Madurai-2.
- 4.The District Collector,
Sivagangai District, Sivagangai.
- 5.The Executive Engineer,
Public Works Department,
Sarugani River Division,
Sivagangai, Sivagangai District.
- 6.The Assistant Executive Engineer,
Public Works Department,
Sarugani River Division,
SIPCOT, Manamadurai,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter issued by the fifth respondent in க.எண்.வ6/வய/கோ.8ஜ்/346/எம்/2013, dated 06.06.2013 and quash the same as illegal and consequently, directing the respondents to facilitate water in the Left Main



Channel of Vaigai River by using the scour-sluices constructed in the northern side of the bed-dam in the Vaigai River at Ladanendhal Village, Sivagangai District.

For Petitioner : Mr.R.Pandi Maharaja

For Respondents : Mr.M.Govindan,

Special Government Pleader

WEB COPY

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition challenging the letter of the fifth respondent in க.என்.வ6/வய/கோ.8ஜ/346/எம்/2013, dated 06.06.2013, wherein the fifth respondent has informed the petitioner that construction of bed dam across Vaigai river at Ladanenthall Village would not in any manner affect the agricultural operation in K.Pethanenthall Kanmoi, Pappakudi Village.

2. The Executive Engineer has filed a counter, wherein he has stated that the said bed dam is constructed for the purpose of the ryots and that would not in any manner affect the rights of the petitioner and others, because the petitioner and others are benefitted only by the spring channel, which is not in any manner affected.

3. We have considered the above submissions.

4. In our considered view, whether construction of bed dam, as stated in the impugned order, would be detrimental to the interest of any farmer or not, cannot be decided in the Writ Petition, because there are lot of disputed question of facts. There are so many issues, like the availability of water, flow of rain water into the said tank, extent of the lands, which are benefitted by the spring channel as well as by the said tank, etc. These issues cannot be gone into by this Court without there being any Expert opinion. Therefore, it is open for the petitioner to work out his remedy before the Civil Court, if he has got any right to establish. Therefore, we are unable to grant the relief as prayed for in this Writ Petition. The Writ Petition is, therefore, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Secretary,

<https://hcservices.ecourts.gov.in/hcservices/>
Public Works Department,
Fort St. George, Chennai.



2.The Chief Engineer,
Design, Research and Construction Support, Chennai.

3.The Chief Engineer,
Public Works Department,
Madurai Region, WRO, Madurai-2.

4.The District Collector,
Sivagangai District, Sivagangai.

5.The Executive Engineer,
Public Works Department,
Sarugani River Division,
Sivagangai, Sivagangai District.

6.The Assistant Executive Engineer,
Public Works Department,
Sarugani River Division,
SIPCOT, Manamadurai, Sivagangai District.

+1 cc to M/s.R.Pandi Maharaja, Advocate in SR.No. 65873

+1 cc to The Special Government Pleader in SR.No. 65325

SML

CSL/PV/15.11.2016: 3P/9C

Order made in
W.P. [MD] .No.189 of 2014
Dated: 02.11.2016