

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.21207/2017 & WMP.No.22105/2017

1.A.Eswaramoorthy
2.Gugan

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Petitioners

Versus

1.The District Collector
Erode District, Erode 638 011.

2.The Tahsildar
Taluk Office, Modakurichi 638 104
Erode District.

3.The Executive Engineer
Water Resources Organization
Department, Public Works Department,
Lower Bhavani Basin Division,
Konavaikkal, Erode District 638001.

4.The Executive Engineer
Agricultural Engineering Department
No.63/74, Avvaiyar Street,
Teachers Colony, Erode 638011.

5.V.Palanisamy
6.M.Satheeshkumar

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made in Kalingarayan canal water body at RS.No.61/9, Kurukkapalayam Village, Modakurichi Taluk, Erode District and consequently, restore the original position of the canal in the said survey number.

For Petitioners : Ms.R.Hemalatha

For RR 1 to 4 : Mr.A.N.Thambidurai, Spl.GP

For RR 5&6 : No appearance

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

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

2 The petitioners claim to be agriculturists having their own patta lands in RS.No.134/1, Kangayampalayam Village, Modakurichi Taluk, Erode District and according to them, Kalingarayan water canal scheme came to be framed for the purpose of providing water for carrying on agricultural activities and for that purpose, a branch canal was put up in

Surve No.61/9, Kurukkapalayam Village, Modakurichi Taluk, Erode District. However, the respondents 5 and 6 have encroached upon the land and obliterated the branch canal and in this regard, the petitioners have submitted a written representation on 20.07.2017 to the respondents 1 to 4 and despite the receipt and acknowledgment, no orders have been passed and therefore, they came forward to file the present writ petition.

3 Ms.R.Hemalatha, learned counsel appearing for the petitioners would submit that one R.Thangavel, who was similarly placed that of the petitioners, had filed WP.No.21342/2011 before this Court against the respondents 1 to 3 herein for removal of the encroachment in the Lower Bhavani Project Water Body in Annaikoundanpudhur, Punjai Kollanalli Village in S.NO.152, RS.No.284, Erode District and it was disposed of on 16.09.2011 by this Court, directing the 3rd respondent therein to consider and dispose of the said representation of the petitioner therein. The learned counsel for the petitioners would submit that though the representation was submitted as early as on 20.07.2017, the petitioners are yet to be favoured with any kind of response and on account of the blockage of the branch canal, they are unable to carry on their agricultural activities and prays for appropriate orders.

4 *Per contra*, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 4 would submit that on account of non-flowing of the water, the branch canal has been put to disuse and two out of three canals have been obliterated and would further add that the representation of the petitioners will be given disposal in accordance with law at the earliest.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 Though the petitioners had prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 2 and 3 to put the respondents 5 and 6 on notice and thereafter, consider and dispose of the petitioners' representation dated 20.07.2017 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the respondents 5 and 6.

7 The writ petition stands disposed of with the above direction.

No costs. Consequently, the connected miscellaneous petition is closed.

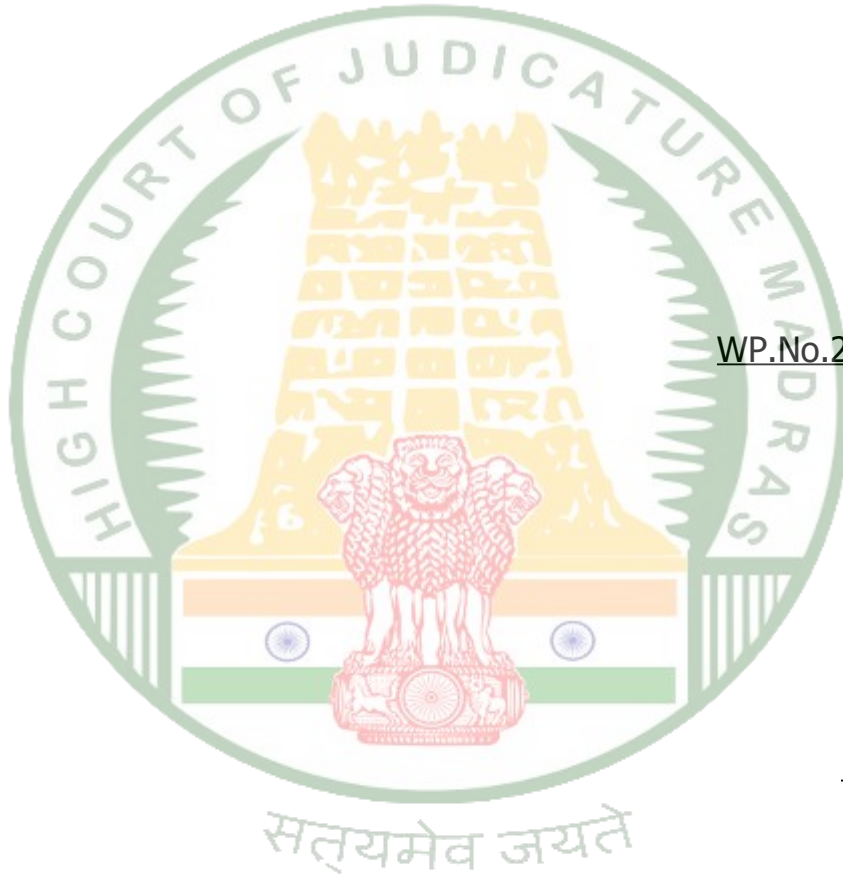
[M.S.N., J.] [N.S.S., J.]
11.09.2017

Internet : Yes

AP
To

- 1.The District Collector
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Erode District.
- 3.The Executive Engineer
Water Resources Organization
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M.SATHYANARAYANAN, J.
AND
N.SESHASAYEE, J.
AP



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