

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

DATED:20.02.2017

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THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.926 of 2012 and
M.P.No.1 of 2012

PRAMBIKULAM ALIYAR PROJECT
THIRUMOORTHY RESERVOIR
DISTRIBUTORY COMMITTEE NO.8
REP. BY CHAIRMAN M.VARADHARAJAN
10/10 KANGAYAMPALAYAM
DASANACKENPATTI VELLAKOIL TIRUPUR DT.

[PETITIONER]

Vs

- 1 THE CHIEF ENGINEER
WATER RESOURCES ORGANIZATION
PUBLIC WORKS DEPARTMENT
COIMBATORE REGION COIMBATORE
COIMBATORE DISTRICT.
- 2 THE SUPERINTENDING ENGINEER
WATER RESOURCES ORGANIZATION
PUBLIC WORKS DEPARTMENT
PRAMBIKULAM ALIYAR PROJECT
ALIYAR BASIN DIVISION POLLACHI
COIMBATORE DISTRICT.
- 3 THE EXECUTIVE ENGINEER
WATER RESOURCES ORGANIZATION
PUBLIC WORKS DEPARTMENT
PRAMBIKULAM ALIYAR PROJECT
THIRUMOORTHY BASIN DIVISION UDUMALPET
TIRUPUR DISTRICT.
- 4 THE EXECUTIVE ENGINEER
WATER RESOURCES ORGANIZATION
PUBLIC WORKS DEPARTMENT
PRAMBIKULAM ALIYAR PROJECT
PRAMBIKULAM BASIN DIVISION PRAMBIKULAM

COIMBATORE DT.

[RESPONDENTS]

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus forbearing the respondents herein from granting NOC to take water by laying illegal pipelines from main PAP canal or distributory channels or from any other source to which the water is released for irrigation to irrigate their lands contrary to the guidelines and norms issued by the 1st and 2nd respondents dated 16.11.2010 and 19.9.2011 respectively.

For Petitioner : Mr.S.Saravanan

For Respondents: Mr.Gunasekaran, AGP

O R D E R

By consent of both parties, the main writ petition is taken up for final disposal.

2. Writ petitioner is the Thirumoorthi Reservoir Distributory Committee.

3. It is seen that the Writ Petitioner Committee is effectively a statutory Committee under the Farmers Management Irrigation System Act 2000 (Act No.7/2001).

4. It is the case of the Writ petitioner that 8 dams were constructed namely, Upper Nirar Dam, Lower Nirar Dam, Solaiyar Dam, Parambikulam Dam, Thunakkadavu Dam, Peruvaripallam Dam, Aliyar Dam and Thirumoorthy Dam.

5. It is the further case of the writ petitioner that out of the aforesaid eight dams, two dams namely Aliyar and Thirumoorthy dams alone are permitted to release water to the Ayacutdars and the remaining dams are used as storage dams.

6. It is the further case of the writ petitioner that it is espousing the case of Ayacutdars who are at the tail end of the Ayacut. Writ petitioner further submits that the lands covered under this zone are dry area and do not get sufficient rainfall and therefore, are only depending on the channel water to irrigate the crops in the said zone.

7. On the above facts, the complaint of the petitioner committee is that unauthorised drawal of water is being permitted which is causing heavy loss to the farmers to the above said zone.

8. Mr.Gunasekaran, learned Additional Government Pleader representing all the respondents has filed a counter affidavit dated 06.06.2012.

9. A perusal of the counter affidavit reveals that the guidelines for issue of No Objection Certificates have been framed. Those guidelines are dated 19.09.2011 vide Proc.No.VA/PA/EVA2/Ko 26 of the 2nd respondent, which is a sequel to the directions/guidelines dated 16.11.2010 vide letter

No.THAVAA/MUVAM/1593/96, issued by the 1st respondent.

10. Learned Additional Government Pleader in his submissions would say that these guidelines have been framed pursuant to the directions given in various writ petitions by this Court. It is also the case of the learned Additional Government Pleader that in some cases, there is illegal drawing of water as well as illegal laying of pipelines and that they are initiating action in accordance with law.

11. Be that as it may, the prayer of the writ petitioner in the main writ petition is very limited and turn on a very narrow compass. All that the writ petitioner wants is a direction to the respondents forbearing them from granting No Objection Certificates (NOC for brevity) for taking water by laying illegal pipelines from the main Prambikulam Aliyar Project Canal or distributory channels or from any other source to which the water is released for irrigation, contrary to the above said guidelines dated 16.11.2010 and 19.09.2011 made by 1st and 2nd respondents respectively.

12. The guidelines are those made by respondents 1 and 2. Therefore, there can be no opposition or objection on the part of the respondents to follow their own guidelines.

13. It is made clear that if there are any illegal pipelines that had been laid or if there is any illegal tapping or drawing of water by anyone, this order will not preclude the respondents from taking action in accordance with law, after putting them on notice.

14. With the above clarification/clarificatory note, this writ petition is allowed. Parties to bear their own costs. Connected miscellaneous petition is closed.

20.02.2017

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