



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.19310 of 2017

N.Nallakannu

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Special Officer - cum - Block
Development Officer (Village Panchayat),
V.Aathichanallur Village Panchayat,
Puthukudi, Srivaikundam,
Thoothukudi District.

3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to consider the petitioner's representations dated 06.10.2017 and 10.10.2017 and to pass appropriate orders permitting him to take water for agriculture from his patta land in Sy.No.29/1, 115/1, V.Aathichanallur Village, Srivaikundam Panchayat Union, Thoothukudi District to his leased lands (coconut field) in Sy.Nos.239/1 to 239/4, 241/3, 242/3 and 247/10 in Nallur Village within the time stipulated by this Court.

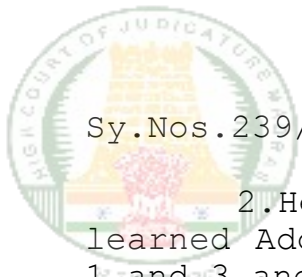
For Petitioner : M/s.M.Viji

For RR - 1 & 3 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R - 2 : M/s.S.Bharathi

O R D E R

This writ petition has been filed seeking direction to the second respondent to consider the petitioner's representations dated 06.10.2017 and 10.10.2017 and to pass appropriate orders, permitting him to take water for agriculture from his patta land in Sy.Nos.29/1, 115/1, V.Aathichanallur Village, Srivaikundam Panchayat Union, Thoothukudi District to his leased lands (coconut field) in



Sy.Nos.239/1 to 239/4, 241/3, 242/3 and 247/10, Nallur Village.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 3 and the learned standing counsel for the second respondent.

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3. The case of the petitioner is that the petitioner is doing agricultural operations in the above mentioned leased lands and due to drought condition, he is not in a position to irrigate his leased lands and hence, he has given a representation to the second respondent, seeking permission to take water for agriculture from his patta land to the leased lands. As the same has not been considered so far, the petitioner is before this Court with the above prayer.

4. The learned Additional Government Government Pleader appearing for the respondents 1 and 3 produced a communication of the Superintendent of Police, Thoothukudi dated 09.10.2017, wherein it is stated that the petitioner is taking water from his land and selling the same to various industries.

5. In such view of the matter, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner dated 10.10.2017 in the light of the communication of the Superintendent of Police, Thoothukudi dated 09.10.2017 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as any of the interested parties.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

+1cc to M/s.VIJI Advocate in SR. No. 89323

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 89059

MJ

JS/GT/SAR.3/14.12.2017/2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>

W.P (MD) No.19310 of 2017
22.11.2017