



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.11.2017
CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.20473 of 2017

Muthu : Petitioner

-Vs-

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukkottai,
Virudhunagar District.
3. The Tahsildar,
Taluk Office, Thiruchuli,
Virudhunagar District.
4. The Block Development Officer,
Panchayat Union Office,
Narikudi, Thiruchuli Taluk,
Virudhunagar District.
5. The Assistant Executive Engineer,
Public Works Department,
Kundaru Sub Division,
Kariyappatti,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second Respondents to instruct the Respondent Nos.3 to 5 to renovate the irrigation canal flowing through Survey No.261 of Maraiyur Village and in Survey Nos.268, 267, 270, 275, 276, 277, 284, 283, 297 near Irunchiraivilakku Bus Stop of Narikudi - Parthipanur Road, as per the Revenue Records.

For Petitioner
For Respondents

: Mr.R.Murugan
: Mr.T.R.Janarthanan,
Additional Government Pleader

**ORDER**

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

Mr.T.R.Janarthanan, Learned Additional Government Pleader, takes notice for the Respondents.

2. Heard both sides. No counter is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4. According to the Petitioner, his Village Agriculturists are depending upon the storage of rain water in Neduganenthal irrigation tank comprised in Survey No.343 measuring an extent of 13.01.0 Hectare of Aadhithanenthal Group, Thiruchuli Taluk, Virudhunagar District, for their agricultural operation. As a matter of fact, the said irrigation tank is the main source of water for agricultural operation of 31.68.5 Hectares of land of his Village for their livelihood.

5. The version of the Petitioner is that the water ways flowing from Maraiyur Kanmoi Madai and through opening of shutter and rain water flows through Survey No.261 of Maraiyur Village and Survey Nos.268, 267, 270, 275, 276, 277, 284, 283, 297 and 295 near Irunchiravilakku Bus Stop of Narikudi - Parthipanur Road and reaches his Village Neduganenthal Agricultural Irrigation Tank.

6. At this stage, the Learned Counsel for the Petitioner points out that the renovation work of deepening the irrigation tank of Petitioner's Village is going on and the Petitioner, on behalf of the entire Villagers of his Village, is thankful to the Respondents for carrying on the work of deepening the Neduganenthal Kanmoi. However, their long-standing demand of renovating the irrigation canal flowing through Survey No.261 of Maraiyur Village and Survey Nos.268, 267, 270, 275, 276, 277, 284, 283, 297 near Irunchiravilakku Bus Stop of Narikudi - Parthipanur Road, has not been undertaken by the Respondents for so many years and thereby, the flow of water is not only blocked during rainy season but also the water spills over and becomes waste.

7. The Learned Counsel for the Petitioner draws the attention of this Court that on behalf of the Petitioner's Village, a representation was submitted before the Hon'ble Revenue Minister on 27.04.2011 and copies of the same were sent by Registered Post to all the aforesaid Respondents. Added further, one more representation dated 03.10.2017 was given by the entire Villagers to the first and second Respondents. However, there is no action



initiated by any of the Respondents so far. Hence, the Petitioner has filed the present Writ Petition.

8. Considering the fact that the Petitioner's last representation dated 03.10.2017 is pending on the file of the first Respondent, this Court, without traversing upon the merits and demerits of the contents of the last representation dated 03.10.2017 and also not delving deep into the same, at this stage, simpliciter, directs the Petitioner to send a copy of the representation dated 03.10.2017 to the fifth Respondent/Assistant Executive Engineer, Public Works Department, Kundaru Sub Division, Kariyappatti, Virudhunagar District, forthwith and on receipt of such representation, the fifth Respondent shall look into the same and if he finds any substance, then he is to pass necessary speaking order on merits, of course, after providing necessary opportunity to the Petitioner and others concerned. It is open to the Petitioner to raise all factual and legal pleas before the fifth Respondent and to seek redressal of his and his Villagers' grievances in particular and in general, as the case may be. The order in the subject matter in issue shall be passed by the fifth Respondent, within a period of four weeks from the date of receipt of copy of representation.

9. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukkottai,
Virudhunagar District.
3. The Tahsildar,
Taluk Office, Thiruchuli,
Virudhunagar District.
4. The Block Development Officer,
Block Development Office,
Narikudi, Thiruchuli Taluk,
Virudhunagar District.



5. The Assistant Executive Engineer,
Public Works Department,
Kundaru Sub Division,
Kariyappatti, Virudhunagar District.

WEB COPY

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.85714

+ 1 CC TO MR.R.MURUGAN, ADVOCATE IN SR No. 85675

sml

MK/SKN RSK/SAR-3/20.11.2017/4P/8C

Order made in
W.P. (MD) No.20473 of 2017
07.11.2017