



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.22665 of 2017

WEB COPY

Karuppiah

... Petitioner

vs.

1. The Block Development Officer,
Viralimalai Union,
Viralimalai,
Pudukottai District.

2. The Divisional Deputy Block Development Officer (IV),
Viralimalai Union,
Viralimalai,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to permit the petitioner to pump the Pethakulam water by using Oil - engine motor for his agriculture land situated in S.No.179/13, 179/14, 179/16 at Vangarampatti village, Viralimalai Union, Kulathur Taluk, Pudukottai District by considering the Petitioner's representation dated 22.11.2017.

For Petitioner : Mr.D.Rameshkumar

For R1 : Mr.M.Rajarajan

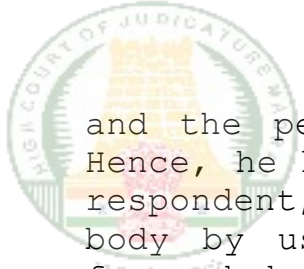
For R2 : Mr.P.Mahendran

ORDER

This writ petition has been filed, seeking a direction to the respondents to permit the petitioner to pump Pethakulam water by using oil engine motor for his agriculture land situated in S.Nos.179/13, 179/14, 179/16 at Vangarampatti village, Viralimalai Union, Kulathur Taluk, Pudukottai District, by considering the Petitioner's representation dated 22.11.2017.

2.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents 1 and 2.

3.The case of the petitioner is that he took the above mentioned lands of Sri Renganathaswamy Akanda Deepam Annathanam Trust on lease and doing agriculture works and irrigating the lands by getting water from the water-body viz., Pethankulam. While so, the said water-body was deepened for the purpose of laying four-ways and hence, the water level has become very low



and the petitioner is not in a position to irrigate the lands. Hence, he has given a representation dated 22.11.2017 to the first respondent, seeking permission to get water from the said water-body by using oil-engine motor. The first respondent, in turn, forwarded the representation to the second respondent for taking necessary action. But till date, no action has been taken by the second respondent. Hence, the petitioner is before this Court with the above mentioned prayer.

4.The learned counsel appearing for the petitioner submitted that due to insufficient water, the petitioner is not in a position to save the crops standing in the field and he could not extend the forthcoming lease period.

5.Considering the facts and circumstances of the case and also considering the grievance expressed on the side of the petitioner, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 22.11.2017 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 the petitioner and any of the interested parties.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Block Development Officer,
Viralimalai Union,
Viralimalai,
Pudukottai District.

2. The Divisional Deputy Block Development Officer (IV),
Viralimalai Union,
Viralimalai,
Pudukottai District.

+1cc to Mr.D.Rameshkumar, Advocate Sr.No.92828

MJ

VB/SV/MMS/SAR4/04/01/2018/2P/4C