

In the High Court of Judicature at Madras

Dated : 06.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SESHASAYEE

Writ Petition No.16953 of 2018 & WMP.No.20162 of 2018

P.Jayasudha, Ex-Panchayat President,
Kuliyam Village Panchayat,
Ammaneri Village, Ennakol Pudhur
Post, Krishnagiri Taluk & DistrictPetitioner

Vs

- 1.The District Collector-cum-Inspector
of Panchayat, Krishnagiri District,
Krishnagiri.
- 2.The Revenue Divisional Officer and
Sub-Divisional Executive Magistrate,
Krishnagiri Revenue Division,
Krishnagiri.
- 3.The Tahsildar, Krishnagiri Taluk,
Krishnagiri, Krishnagiri District.
- 4.The Commissioner/Block Development
Officer, Krishnagiri Panchayat Union,
Krishnagiri, Krishnagiri District.
- 5.The Special Officer, Sempadamuthur
Village Panchayat, Krishnagiri Panchayat
Union, Sempadamuthur Post
Krishnagiri District.
- 6.The Inspector of Police, Krishnagiri
Taluk Police Station, Krishnagiri,
Krishnagiri District.Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the 1st
respondent to decide the dispute with regard to irrigation and
fishery rights of Kuliyam Lake in Kuliyam Village Panchayat,
Krishnagiri Panchayat Union, Krishnagiri Taluk & District under
the provisions of the Tamil Nadu Panchayat Act, 1994.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.E.Manoharan, AGP

Order of the Court was made by T.S.SIVAGNANAM,J

Mr.E.Manoharan, learned Additional Government Pleader accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, who is a former president of Kuliya Village Panchayat, has brought forth this writ petition, styled as a public interest litigation, contending that there is a dispute with regard to fishing rights in a lake as well as irrigation rights for drawing water from a lake.

3. On a perusal of the affidavit filed by petitioner, it is, prima facie, seen that the dispute is in between two sets of people one belonging to Ammaneri Village and the other belonging to Sembadamuthur Village. In our view, the dispute, being a private dispute between two sets of people with regard to usage of water and fishing rights, the present cause cannot be treated as a public interest litigation. It is the admission of the petitioner that already proceedings under Section 107 of the Criminal Procedure Code have been initiated.

4. In any event, we find that there is a representation dated 20.5.2018 given to the first respondent by the petitioner enclosing a copy of the first information report registered by Krishnagiri Taluk Police Station dated 07.3.2018. We are not satisfied that there is a public interest involved in this matter, as it pertains to a right to use water as well as fishing rights in a particular tank. Therefore, the petitioner shall pursue his representation before the first respondent.

5. The learned Additional Government Pleader submits that the first respondent will look into the grievance of the petitioner and will do the needful.

6. In the light of the above, the writ petition is disposed of by directing the first respondent to look into the grievance of the petitioner based on her representation dated 20.5.2018 on merits and in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order after issuing notice to all concerned. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RS

To

1.The District Collector-cum-Inspector of Panchayat, Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer and Sub-Divisional Executive Magistrate,
Krishnagiri Revenue Division, Krishnagiri.

3.The Tahsildar, Krishnagiri Taluk, Krishnagiri, Krishnagiri District.

4.The Commissioner/Block Development Officer, Krishnagiri Panchayat Union,
Krishnagiri, Krishnagiri District.

5.The Special Officer, Sempadamuthur Village Panchayat, Krishnagiri Panchayat Union, Sempadamuthur Post, Krishnagiri District.

6.The Inspector of Police, Krishnagiri Taluk Police Station, Krishnagiri, Krishnagiri District.

+1cc to Government Pleader sr.no.44246

+1cc to Mr.M.R.Jothimani, advocate sr.no.43978

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