

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.11.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29896 of 2018

N.Premalatha,

... Petitioner

Vs.

1. The Secretary to Government,
Public Works (Irrigation) Department,
Fort St. George,
Chennai - 600 002.
2. The Chief Engineer,
Public Works Department,
Chepauk,
Chennai - 600 005.
3. The Superintending Engineer,
Public Works (Irrigation) Department,
Trichy Zone,
Trichy.
4. Shree Mariamman Small Farmers Life
Irrigation Society rep. by its
President, E.Samiappan,
Chinna Solipalayam,
Periya Solipalayam Village and Post,
Paramathi Vellore Taluk,
Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to initiate necessary by permanently disconnecting the pumping of water from Cauvery river by lifting water through underneath pipeline and consequently directing the respondents 1 to 3 to distribute water only from the well situate in patta land in Survey No.123/1B at Vadakarai Aththur (West) Veillage, Paramathi Vellore Taluk, Namakkal District, as per G.O.Ms.No.1088, Public Works Department, dated 27.10.1994 to the lands belonging to the petitioner in survey Nos.849/1, 850/1 and 850/2 I Periya Solipalayam Village, Paramathi Vellore Taluk, Namakkal Distrist through the fourth respondent society as per the agreement dated 02.03.2010.

For Petitioner : Mr.R.Karthikeyan

For Respondents: Mr.V. Shanmugasundar
(R1 to R3)
Special Government Pleader

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the respondents 1 to 3 to initiate necessary steps by permanently disconnecting the pumping of water from Cauvery river by lifting water through underneath pipeline and consequently directing the respondents 1 to 3 to distribute water only from the well situate in patta land in Survey No.123/1B at Vadakarai Aththur (West) Veillage, Paramathi Vellore Taluk, Namakkal District, as per G.O.Ms.No.1088, Public Works Department, dated 27.10.1994 to the lands belonging to the petitioner in survey Nos.849/1, 850/1 and 850/2 I Periya Solipalayam Village, Paramathi Vellore Taluk, Namakkal District through the fourth respondent society as per the agreement dated 02.03.2010.

3. Though the relief sought for in this Writ Petition is for a larger relief, the learned counsel appearing for the petitioner would submit that it would suffice if the representation submitted by the petitioner dated 24.07.2018, seeking to direct the fourth respondent to issue water for irrigating the lands belonging to the petitioner, may be directed to be disposed of by the concerned authority within a stipulated period.

4.Mr.V.Shanmugasundar, learned Special Government Pleader, who takes notice on behalf of the respondents 1 to 3 would submit that the respondents 1 to 3 have no objection for considering the representation of the petitioner dated 24.07.2018, on merits and in accordance with law.

5.Considering the facts and circumstances of the case and having regard to the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents to consider the petitioner's representation dated 24.07.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, the fourth respondent and also to any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pds/arr

To

1. The Secretary to Government,
Public Works (Irrigation) Department,
Fort St. George,
Chennai - 600 002.
 2. The Chief Engineer,
Public Works Department,
Chepauk,
Chennai - 600 005.
 3. The Superintending Engineer,
Public Works (Irrigation) Department,
Trichy Zone,
Trichy.
- + 1 cc to the Government Pleader, S.R.No.78313

W.P.No.29896 of 2018

VBA (CO)
SSM (06/12/2018)

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