

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.02.2018****CORAM:****THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN****W.P. (MD) No.2238 of 2018****WEB COPY**

N.Kombaiah Pandian

... 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

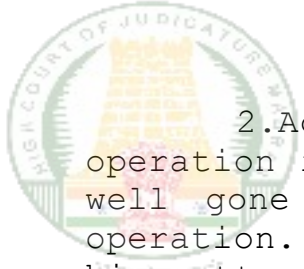
PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 06.10.2017 and 10.10.2017 and to pass appropriate order, permitting him to take water for agriculture from his patta land in Survey No.29/1, 115/1 at V.Athichanallur Village, Srivaikundam Panchayat Union, Thoothukudi District to his leased lands (coconut field) in Survey 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 : Mr.P.M.Vishnuvarthanan

For Respondents : M/s.J.Padmavathy Devi, SGP for R1 & 3
Mr.Aayeram K.Selvakumar AGP for R2

ORDER

This Writ petition has been filed 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 order, permitting him to take water from his patta land in Survey Nos.29/1 and 115/1 at V.Athichanallur Village, Srivaikundam Panchayat Union, Thoothukudi District for agricultural operation and also to his leased lands (coconut field) in Survey Nos.239/1 to 239/4, 241/3, 242/3 and 247/10 in Nallur Village, within the time stipulated by this Court.



2. According to the petitioner, he is doing agricultural operation in his land and had an open well and due to drought, the well gone dry and he was unable to continue his agricultural operation. Therefore, the petitioner decided to dig bore well in his patta land. In this regard, he also submitted representations dated 06.10.2017 and 10.10.2017 before the second respondent seeking permission. However, the third respondent, without any authority whatsoever, interfering with the petitioner's right to dig bore-well in his patta land. Hence, the petitioner is before this Court with the present Writ petition.

3. Today when the matter is taken up for hearing, the learned counsel for the petitioner filed an undertaking affidavit of the petitioner dated 19.02.2018 before this Court, stating that the petitioner will use the water only for agriculture purpose and he will not indulge in commercial activities like selling water from his patta land.

4. The learned Additional Government Pleader appearing for the second respondent produced a communication of the second respondent dated 05.02.2018 that the petitioner was already granted with permission to dig bore-well in his patta land.

5. Considering the fact that the petitioner himself has filed an undertaking affidavit before this Court and the permission granted by the second respondent, the respondents are directed not to interfere with the petitioner's right to draw water in his patta land for his agricultural purpose. It is also made clear that if the petitioner uses the water other than the agricultural purpose, the authorities are entitled to take action in accordance with law.

6. With the above directions, this Writ petition is disposed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Special Officer cum Block Development Officer
(Village Panchayat),
V. Aathichanallur Village Panchayat,

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

Srivaikundam,
Thoothukudi District.



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

+1cc to The Spl.Government Pleader SR.No.50963

NBJ

VB/SV/MMS/SAR4/20.03.2018/3P/5C

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