



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.843 of 2018

Subramanian

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Engineer,
PWD/WRO, Irrigation Section,
Kothaiyaru Basin Division,
Nagercoil-629 001.

3.The Assistant Engineer,
PWD/WRO, Irrigation Section,
Palayaru Basin Sub Division,
Vadakankulam-627 116,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the obstructions made in the weir (Marukal Odai) from Pujai-kuttikulam, Perungudi Village, Radhapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 02.01.2018.

For Petitioner : Mr.S.R.Anbarasu
For Respondents : Mr.D.Muruganantham
Addl. Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Hear Mr.S.R.Anbarasu, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner seeks for a direction upon the respondents to remove the obstructing made in the weir (Marukal Odai) from Pujai-kuttikulam, Perungudi Village, Radhapuram Taluk, Tirunelveli District, by considering his representation dated 02.01.2018.



3.The Assistant Engineer, PWD/WRO, Irrigation Section, Vadakankulam, is present in Court and we heard him.

4.Considering the nature of the dispute, it would be difficult for us to resolve the same in a writ petition, as it requires an inspection of the site in question to clearly understand as to what is the petitioner's grievance. The respondent seeks to justify the blockage in the channel, as it is stated that the petitioner is entitled to only the surplus water in the channel and not direct flow of water in the channel, which entitlement is there only for other riparian owners.

5.Considering the complicity of the dispute involved, we direct the third respondent to inspect the area in question, after notice to the petitioner and during the course of inspection, a reasonable solution may be suggested, which shall be accepted by the petitioner and the matter be put to rest, at that stage.

6.The above direction shall be complied with by the third respondent within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Executive Engineer,
PWD/WRO, Irrigation Section,
Kothaiyaru Basin Division,
Nagercoil-629 001.

3.The Assistant Engineer,
PWD/WRO, Irrigation Section,
Palayaru Basin Sub Division,
Vadakankulam-627 116,
Radhapuram Taluk, Tirunelveli District.

+One cc to M/s.S.R.Anbarasu, Advocate, SR.No.55250

+One cc to The Special Government Pleader, SR.No.55125

Ns

RL/6C/2P/KK/SAR1/23/3/2018

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