

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7200 of 2019
and
W.M.P.No.7929 of 2019

K.Saravana Kumar

... Petitioner

Vs

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Tahsildar,
Pollachi Taluk,
Pollachi.
3. The Executive Engineer,
P.W.D/W.R.O.,
Parambikulam Division,
Parambikulam Camp,
Vettaikaranpudur,
Pollachi Taluk,
Coimbatore District.
4. The Assistant Executive Engineer,
P.W.D/W.R.O.,
Pollachi Taluk,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to ensure adequate supply and free flow of water to the petitioner's agricultural lands in S.F.No.571/A in V.Kaliyapuram Post, Pollachi Taluk, Coimbatore District from Iyer Madai (Branch Canal) of Uppar Canal.

For Petitioner : Mr.Arun Kumar D.R.

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate

O R D E R

The petitioner seeks for a Mandamus directing the respondents to ensure adequate supply and free flow of water to the petitioner's agricultural lands in S.F.No.571/A in V.Kaliyapuram Post, Pollachi Taluk, Coimbatore District from Iyer Madai (Branch Canal) of Uppar Canal.

2. Heard both sides.

3. The petitioner who claims to be the owner of the agricultural lands situated in S.Nos.559, 571A and 575 in V.Kaliyapuram Post, Pollachi taluk, Coimbatore District, contends that those lands are benefited by Uppar Canal irrigation and a suit filed in O.S.No. 535/2003 on the file of the District Munsif Court, Pollachi for the relief of permanent injunction by the petitioner was also decreed on 01.02.2010. Therefore, it is contended that inspite of such decree, the respondents are not supplying water to the petitioner's agricultural lands.

4. Ventilating such grievance, the petitioner has sent a notice through his lawyer on 16.07.2018. It is stated that even after such notice, the respondents have not responded so far, though an enquiry was conducted on 12.12.2018 by the Tahsildar, Pollachi. Needless to say that if the request is made by the petitioner who is said to be armed with a decree in O.S.No.535/2003 granted by the District Munsif Court, Pollachi, it is for the concerned authorities to consider such request and pass appropriate orders without loss of further time. Therefore, the 3rd respondent shall consider the said notice issued by the petitioner on 16.07.2018 as his representation and pass orders on the same on merits and in accordance with law also by taking note of the decree granted in O.S.No.535/2003 dated 01.02.2010. Such exercise shall be done by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

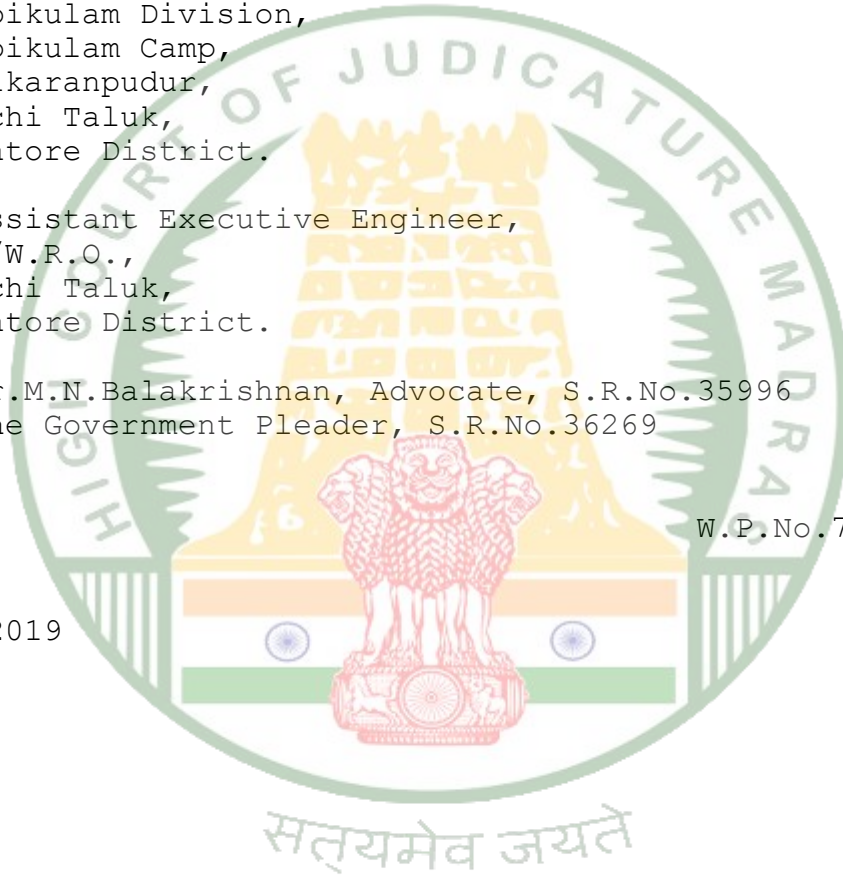
1. The District Collector,
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Coimbatore.
2. The Tahsildar,
Pollachi Taluk,
Pollachi.
3. The Executive Engineer,
P.W.D/W.R.O.
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Coimbatore District.
4. The Assistant Executive Engineer,
P.W.D/W.R.O.,
Pollachi Taluk,
Coimbatore District.

+1cc to Mr.M.N.Balakrishnan, Advocate, S.R.No.35996

+1cc to the Government Pleader, S.R.No.36269

W.P.No.7200 of 2019

VGII(CO)
CS/15/04/2019



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