

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26765 of 2014
and M.P.No.1 of 2014

P.Mayilsamy
S/o.Palanisamy Gounder,
Kalimettuthottam,
Chinnaripalayam, Devarajpattinam Post
Kundadam Via Dharapuram Taluk,
Tiruppur District. Petitioner

Vs.

The Superintending Engineer,
Public Works Department,
Water Resource Department,
Parambikulam-Aliyar Basin Circle,
Pollachi-3. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondent from digging canal for widening purpose in the petitioner's land situated in S.F.No.157 (subsequently sub division was made as 157/1B and 157/3B) Velayuthampalayam Village Dharapuram Taluk Tiruppur District unless due process of law.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.T.S.Moorthy,
Additional Advocate General
Asst. by
Mr.M.Elumalai, G.A.

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O R D E R

The prayer sought for in the writ petition is to issue mandamus, forbearing the respondent from digging canal for widening purpose in the petitioner's land situated in S.F.No.157 (subsequently sub division was made as 157/1B and 157/3B) Velayuthampalayam Village Dharapuram Taluk Tiruppur District unless due process of law.

2. When the writ petition was taken up for hearing on 29.4.2019, the Superintending Engineer, Public Works Department present in the Court.

3. According to the respondent, the Government passed G.O.Ms.No.28, P.W.D. (W1), dated 19.3.2013, the Government have accorded administrative sanction for the work of linking the P.A.P. system to the Uppar canals in Dharapuram Taluk of Tiruppur District at a cost of Rs.8.10 Crores.

4. With the consent of parties, this Court is inclined to pass the following order:

(i) The petitioner agreed to receive the compensation amount from the respondent as stated in paragraph 8 and 9 of the counter affidavit to settle the compensation amount to the land owners, within a period of four weeks from the date of receipt of a copy of this order.

(ii) On payment of said compensation amount, the respondent is entitled to take possession of the property and the petitioner has no objection to take over the said property by the respondent for expansion of the canal.

(iii) Thereafter, the respondent is directed to complete the project within a period of two months, if there is no other legal impediments. The respondent shall strictly follow the aforesaid terms of the order.

(iv) The petitioner shall also cooperate with the authorities for disbursement of compensation amount to the petitioner.

(v) Liberty is granted to the petitioner to make representation to the District Collector for payment of compensation for the petitioner's land already taken over by the department for widening the existing canal in the year 1987.

(vi) If any such representation is made by the petitioner, the District Collector and Executive Engineer, Water Resources Organisation shall consider the same and pass appropriate orders on merit and in accordance with law after hearing the parties concerned within a period of eight weeks from the date of receipt of a copy of this order.

5. The project has been stalled for one reason or the other for several years. Therefore, this Court would like to suggest the Government to constitute a District level Committee headed by the District Collector, Executive Engineer, W.R.O., in each district for implementation of the proposed scheme at the district level. According to the parties, one of the proposal viz., Anamalayar and Nallar scheme is still pending. Therefore, if the said scheme is executed, requirements of the ayacutdars and public at large will be benefitted and no water shortage for irrigation purpose. Therefore, the Government is directed to file status report in W.P.No.46 of 2019 on the next hearing date.

With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Superintending Engineer,
Public Works Department,
Water Resource Department,
Parambikulam-Aliyar Basin Circle,
Pollachi-3.

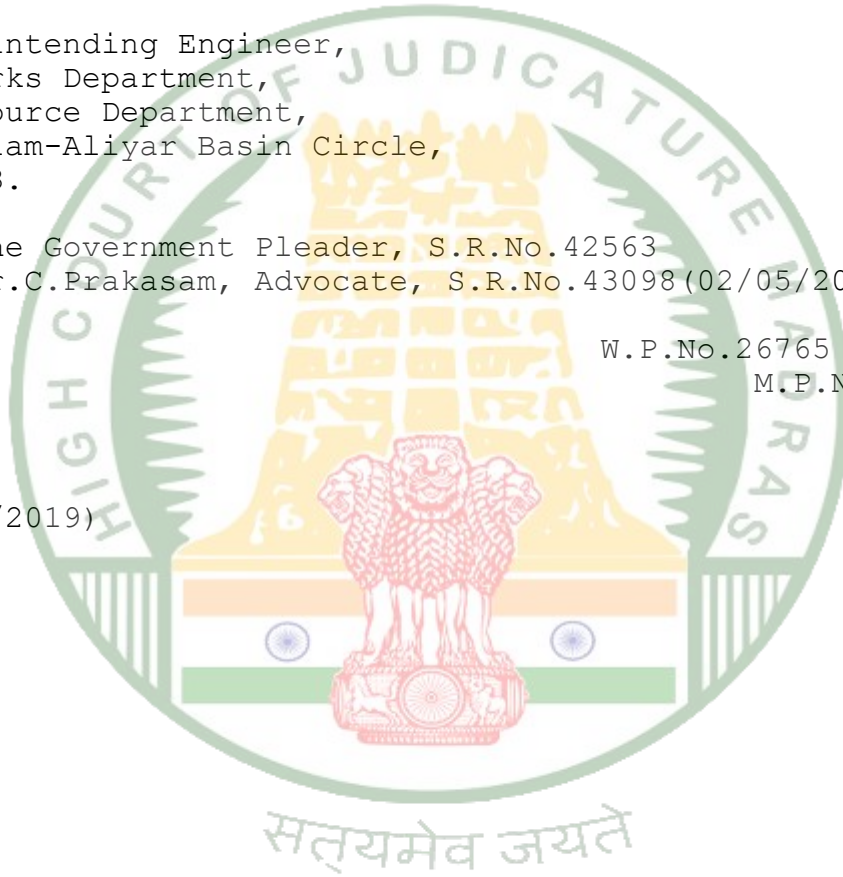
+1cc to the Government Pleader, S.R.No.42563

+1cc to Mr.C.Prakasam, Advocate, S.R.No.43098 (02/05/2019)

W.P.No.26765 of 2014 and
M.P.No.1 of 2014

PA (CO)

RRS (30/04/2019)



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