

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 29.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.7516 of 2019
and W.M.P. (MD) No.6006 of 2019

P.S.Neelakandan

... Petitioner

-VS-

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent Engineer,
Public Work Department, W.R.O.,
Lower Cauvery Basin Circle,
Santhampillai Gate,
Thanjavur District.
- 3.The Executive Engineer,
Public Work Department, W.R.O.,
Grant Anicut Canal Division,
Santhampillai Gate,
Thanjavur District.
- 4.The Assistant Engineer,
Public Work Department, W.R.O.,
Main Road, Peravurani,
Thanjavur District.
- 5.M.K.Rajendran
- 6.R.Venkadeswaran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action to restrain the 5th and 6th respondent from digging or laying pipe line in Anandhavalli Channel situated in S.No.28, 32, 33, Mavadukurichi Village, Peravurani Taluk, Thanjavur District and further directing the respondents 1 to 4 to restore and protect the Anandhavalli Channel situated in S.No.28, 32, 33, Mavadukurichi Village, Peravurani Taluk, Thanjavur District by considering the petitioner's representation dated 25.03.2019.

For Petitioner : Mr.G.Prabhu Rajadurai

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

For Respondents 1 to 4 : Mr.A.K.Baskara Pandian
Special Government Pleader



For Respondents 5 and 6

: Mr.Ajmal Khan, Senior Counsel
For Mr.Imran

O R D E R

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(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action to restrain the respondents 5 and 6 from digging or laying pipe line in Anandhavalli Channel situated in S.No.28, 32, 33, Mavadukurichi Village, Peravurani Taluk, Thanjavur District and restore and protect the same by considering the petitioner's representation dated 25.03.2019.

2.From the reading of the affidavit and the grievance expressed by the learned counsel appearing for the petitioner, this Court is able to see that the petitioner has come before this Court to prevent the laying of under ground pipeline through the existing irrigation channel.

3.The learned Senior Counsel appearing for respondents 5 and 6 would submit that the Assistant Engineer, Public Works Department, W.R.O., Peravurani, Thanjavur District has recommended for grant of permission to the sixth respondent to draw water through underground pipeline from the land belonging to the fifth respondent to the land of the sixth respondent. He further submitted that laying of underground pipeline has not been commenced and it will be done only after getting permission from the concerned officials.

4.However, the learned counsel appearing for the petitioner would produce photographs indicating that the work has already been commenced as excavation for laying underground pipeline has been done in considerable portion of channel.

5.The learned Senior Counsel appearing for the respondents 5 and 6 undertakes that the respondents 5 and 6 will not lay the pipeline without getting permission from the concerned officials.

6.Having regard to the fact that taking water through underground pipeline from one place to other place for irrigation through Government lands is being permitted subject to conditions required by law, this Writ Petition is disposed of with the following directions:

(i) The third respondent is directed to consider the application submitted by respondents 5 and 6 for drawing water through underground pipeline through the channel belonging to the Public Works Department and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

(ii) The respondents 5 and 6 shall not lay the pipeline till



the authorities give permission to lay pipeline in accordance with law.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS III)

sj

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Superintendent Engineer,
Public Work Department, W.R.O.,
Lower Cauvery Basin Circle,
Santhampillai Gate,
Thanjavur District.

3.The Executive Engineer,
Public Work Department, W.R.O.,
Grant Anicut Canal Division,
Santhampillai Gate,
Thanjavur District.

4.The Assistant Engineer,
Public Work Department, W.R.O.,
Main Road, Peravurani,
Thanjavur District.

1 CC to M/s.G.PRABHU RAJA DURAI, Advocate (SR-57889[F] dated 29/03/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-57835[F] dated 29/03/2019)

+1 CC to M/s.SPL GP (SR-58133[F] dated 01/04/2019)

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