



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.16806 of 2019
and W.M.P(MD) No.13409 of 2019

Ilayankudi Kanmai Neerpasana Vivasayigal Sangam
Represented by its President,
P.A.Najumudeen

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collectorate,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
- 4.The Executive Engineer,
Public Works Department
Sarugani river Basin Division,
Ilayankudi Taluk, Sivagangai

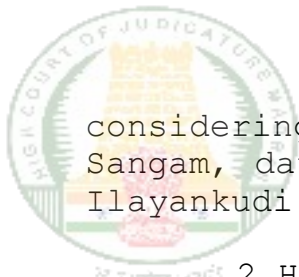
... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondent No.4 herein from issuing work order to any other person with respect to the Kudimaramathu works of Ilayankudi Kanmai (Tank) Ilayankudi Taluk, Sivagangai District without considering and disposing the application of the petitioner's Sangam dated 11.07.2019 with respect to the Kudimaramathu works of Ilayankudi Kanmai (Tank) Ilayankudi Taluk, Sivagangai District.

For Petitioner	:Mr.T.Lajapathi Roy
For Respondents	:Mr.M.Rajarajan
	Government Advocate

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus to forbear the respondent No.4 herein, from issuing work order to any other person with respect to the Kudimaramathu works of Ilayankudi Kanmai (Tank) Ilayankudi Taluk, Sivagangai District, without



considering and disposing the application of the petitioner's Sangam, dated 11.07.2019 with respect to the Kudimaramathu works of Ilayankudi Kanmai (Tank) Ilayankudi Taluk, Sivagangai District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. The grievance of the petitioner is that, the Government, under G.O.Ms.No.58 Public Works (W2) Department dated 13.06.2019 accorded administrative sanction for implementation of 1829 Kudimaramathu works, restoration of water bodies in 29 Districts with participatory approach scheme for the year 2019-20. For the said purpose, financial sanction to the extent of 499.688 crore was sanctioned.

4. Number of tanks have been included in the scheme and the Ilayankudi Kanmai (Tank) is one of the tank to be de-silted ie., Kudimaramathu work, at the cost of Rs.70 lakhs. The Government also take a policy decision that, this Kudimaramathu work would be done through the Farmers Organisations/Farmers council/Ayacutdars under the technical guidance of the department officers of Water Resources Department.

5. Accordingly, insofar as the said tank Kudimaramathu work is concerned, they had a meeting on 04.07.2019, pursuant to which, a Sangam called "Ilayankudi Kanmai Neerpasana Vivasayigal Sangam" was registered on 10.07.2019, who is the petitioner herein.

6. However, the move of entrusting the work of Kudimaramathu of the said tank to the said Sangam was opposed by the ayacutdars of Ilayankudi tank, with the result, there had been a meeting on 24.07.2019, where 137 farmers participated and they formed an association called "Ilayankudi Kanmoi Neer Ubayokippor Sangam", where they registered their Sangam on 25.07.2019. Accordingly, the work has been entrusted to the said Sangam and the work is undertaken by the said Sangam, as of now. In this regard, a written instruction has been filed by the learned Government Advocate for the respondents from the Executive Engineer, Public Works Department/WRD (I/C), Saruganiyar Basin Division, Sivagangai, in letter No. DB/JDO5/.../F-Kudi/2019, dated 31.07.2019.

7. However, the learned counsel for the petitioner submits that, when already there is a Sangam, where is the question of establishing another Sangam and what prompted them to entrust the work to the said Sangam, which has subsequently been formed, after the formation of the petitioner Sangam, is the matter to be decided.

8. As the procedure contemplated under the Government order is to entrust the Kudimaramathu work to the Farmers Sangam and when there are two Sangams in the same village, after analysing the



practicality of the execution of the work, since the respondents decided to give it to one Sangam, this Court cannot find fault with the same, unless and until it has given to any individual.

9. Moreover, the Kudimaramathu work has to be urgently undertaken before the North-East monsoon starts, therefore, by way of conflict between two Sangams, the Kudimaramathu work for desilting the tank is concerned, cannot be deferred or halted for any more and in that view of the matter also, this Court do not want to interfere with the said action on the part of the respondents to entrust the work to the said Sangam.

10. In the result, this Court finds that, there is no merit in this writ petition. Accordingly, the same is liable to be dismissed. Hence, it is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The District Collector,
O/o. District Collectorate,
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+1 CC to M/s.SPL GP (SR-79449[F] dated 02/08/2019)

W.P. (MD)No.16806 of 2019
and W.M.P(MD) No.13409 of 2019
01.08.2019

rr

JM/18.09.2019/3P/6C