



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.17154 of 2019

and

W.M.P.(MD) No.13678 of 2019

The Poruppu Mettupatty Kanmai Pasana
Vivasayegal Sangam, rep. by its
Secretary R.Ammavasi

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Madurai District.
Madurai.

2.The Engineer in Chief,
Water Resources Department and
Chief Engineer (General),
PWD, Chennai - 5.

3.The Superintending Engineer,
Periyar Vaigai Water Basin,
PWD - Tallakulam, Madurai.

4.The Tahsildar,
Usilampatti Taluk,
Usilampatti, Madurai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to entrust the Kudimaramathu work of The Poruppu Mettupatty Kanmai, Usilampatti Taluk in favour of the petitioners Society and consequently directing the respondents by permitting the petitioners to carry out the Kudimaramathu work in the Poruppu Mettupatty Kanmai as per the rules and regulations.

For Petitioner : Mr.Veera Kathiravan, Senior Counsel
for M/s.Veera Associates

For Respondents : Mr.M.Rajarajan, G.A.



ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to entrust the Kudimaramathu work of The Poruppu Mettupatty Kanmai, Usilampatti Taluk in favour of the petitioners Society and consequently directing the respondents by permitting the petitioners to carry out the Kudimaramathu work in the Poruppu Mettupatty Kanmai as per the rules and regulations.

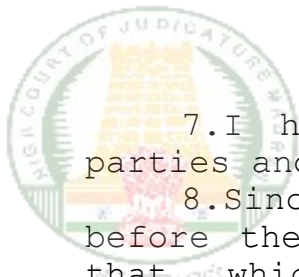
2. Heard Mr. Veera Kathiravan, learned Senior Counsel appearing for the petitioner and Mr. M. Rajarajan, learned Government Advocate appearing for the respondents.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The grievance of the petitioner as projected by the learned Senior Counsel appearing for the petitioner is that, the petitioner is a registered Society consisting of Farmers/Ayacutdars of Poruppu Mettupatty Kanmai at P. Mettupatty village, Usilampatti Taluk, Madurai District. The Government recently issued G.O. Ms. No. 58, Public Works (W2) Department, dated 13.06.2019, where, the Government have accorded Administrative Sanction for implementation of the Kudimaramath, i.e., water bodies restoration with participatory approach scheme for the year 2019-2020 for which, an amount of Rs. 499.688 Crores for 6829 number of works have been allotted. Restoration of Poruppu Mettupatty Kanmai is also one among the tank. Accordingly, the work is being entrusted to the registered societies consisting of Farmers/Ayacutdars relate to that village or the tank concerned.

5. It is the further case of the petitioner that, the petitioner Sangam viz., The Poruppu Mettupatty Kanmai Pasana Vivasayegal Sangam is having the majority Ayacutdars/Farmers of that village/tank as members and therefore, the work of Kudimaramath of tank has to be entrusted only to the petitioner Sangam.

6. When that being so, there is another registered Farmers Association i.e., Ayacutdars Sangam in the name and style of Poruppu Mettupatty Gramam Periyakulam-Chinnakulam Ayacutdarar Vivasayegal Sangam. Since both these Associations are registered and there is a rival claim between these Associations, it is the stand of the respondents as projected by the learned Government Advocate appearing for the respondents that, the respondents are not able to identify, which Sangam is having majority Ayacutdars. When such attempt was made once, the Ayacutdars take side of both the Associations, i.e., if one member takes side of 'A' Sangam, he also be the member of 'B' Sangam and that is why, this confusion arose to fix which Sangam is mustering the majority of Farmers and in whose favour, the Kudimaramath work can be entrusted.



7.I have heard the learned counsel appearing for both the parties and perused the materials placed before this Court.

8.Since the Kudimaramath work has to be immediately undertaken before the North East Monsoon starts, it is imminent to identify that, which Sangam among the two will muster the majority of Farmers/Ayacutdars and in this regard, instead of verifying the members individually, who may have a dual membership in both the Sangam, the respondents can fix a date by giving notice to the members to both the Sangam and also make a public announcement in the locality and on the date mentioned, the respondents can conduct an election by way of ballot giving two options (Sangam) as to in whose favour, each of the Ayacutdar wanted the work to be entrusted.

9.In that view of the matter, this Court is inclined to dispose of this writ petition, with the following direction:

"The 4th respondent shall convene a meeting of all the Ayacutdars/Farmers of the tank concerned on 10.08.2019 (Saturday) at 11.00 a.m., in a public place at the same village i.e., P.Mettuparry village, Usilampatti Taluk, Madurai District, by giving notices by way of Tom-Tom and individual notices only to the office bearers of both the Sangam, requiring them to present on the date and time fixed as above and on the said meeting, the 4th respondent, with the help of a representative from the PWD department to be nominated in this regard as well as with the police people, conduct election by issuing ballot, which will have two options to each of the Ayacutdar/Farmer as to whether they prefer 'A' Sangam i.e., Poruppu Mettupatty Kanmai Pasana Vivasayegal Sangam or 'B' Sangam i.e., Poruppu Mettupatty Gramam Periyakulam-Chinnakulam Ayacutdar Vivasayegal Sangam and in whose favour, they wanted the Government to entrust the Kudimaramath work of the Periyakulam-Chinnakulam Kanmai of P.Mettupatty village, Usilampatti Taluk, Madurai District. The election shall be held between 11.30 and 12.30 a.m. i.e., for an hour and after completing the election, based on the majority votes, the Tahsildar concerned, has to file a report recommending as to which Sangam is mustering the majority of the Ayacutdar, on the date itself to the 3rd respondent, who, on receipt of such recommendatory report from the 4th respondent, shall pass orders immediately entrusting the Kudimaramath work to the said Sangam. In this regard, the 4th respondent has to ensure law and order and in this regard, he can take necessary police protection from the police department/ concerned station.

10.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar



To

1.The District Collector,
Collectorate, Madurai District.
Madurai.

2.The Engineer in Chief,
Water Resources Department and
Chief Engineer (General),
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3.The Superintending Engineer,
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PWD - Tallakulam, Madurai.

4.The Tahsildar,
Usilampatti Taluk,
Usilampatti, Madurai District.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-80242[F] dated
07/08/2019)

+1 CC to M/s.SPL GP (SR-80314[F] dated 07/08/2019)

Order made in
W.P. (MD) No.17154 of 2019
and
W.M.P. (MD) No.13678 of 2019
Dated:
06.08.2019

ARUL
JM/09.08.2019/4P-7C