



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17328 of 2019

and

W.M.P. (MD) No.13824 of 2019

Gullalagundu Theppankulam Kanmai Pasana
Vivasayigal Nalasangam, rep. by its
President K.S.Paramasivam.

... Petitioner

-Vs-

1.The District Collector,
Collectorate,
Dindigul District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.The Executive Engineer,
Public Works Department,
Manjalaru River Basin Division,
Periyakulam Taluk,
Theni District.

5.The Assistant Executive Engineer,
Public Works Department,
Nilakottai Taluk, Dindigul District. ... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents from issuing work order to any other persons with respect to Kudimaramath Works of Gullalagundu Theppankulam Kanmai at Nilakottai Taluk, Dindigul District without considering and disposing the representation made by the petitioner's Sangam dated 29.07.2019.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.P.Kannithevan, AGP



ORDER

The prayer in this writ petition is for a Writ of Mandamus, forbearing the respondents from issuing work order to any other persons with respect to Kudimaramath Works of Gullalagundu Theppankulam Kanmai at Nilakottai Taluk, Dindigul District without considering and disposing the representation made by the petitioner's Sangam dated 29.07.2019.

2. Heard Mr.I.Pinaygash learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader 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 counsel appearing for the petitioner is that, the petitioner is a registered Society consisting of Farmers/Ayacutdars of Gullalagundu Village, Nilakkottai Taluk, Dindigul 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 given. Restoration of Gullalagundu Theppankulam Kanmai is also one among the tank, for which, Rs.65 lakhs was sanctioned by the Government for undertaking the Kudimaramath work i.e., desilting the tank.

5. It is the further case of the petitioner that, as per the procedure in vogue, only by way of public participation, the work of Kudimaramath would be undertaken by entrusting the work to a group of ryots or Ayacutdars by way of a registered Society under the provisions of the Registration Act. In this context, the petitioner's Society has been already registered and therefore, the official respondents thought of entrusting the work to the petitioner Sangam and according to the petitioner, on 05.07.2019, the work of Kudimaramath was entrusted to the petitioner Sangam, but, within a day or two, the petitioner Sangam was instructed not to undertake the work of Kudimaramath on the reason that, some other rival groups or Sangam also claiming such right to have the Kudimaramath work through them. Therefore, only in that context, the petitioner Sangam have given representation on 29.07.2019 and the same since has not been considered, the petitioner has approached this Court.

6. On notice, Mr.P.Kannithevan, learned Additional Government Pleader would make a submission that, initially, no doubt, the

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petitioner was the only Sangam registered in that locality for the subject tank as Ayacutdars Sangam, whereas, subsequently, on 22.07.2019, one more Sangam in the name of Malayagoundanpatty Matrum Gullalagundu Giramam Theppankulam Kanmai Pasana Vivasayegal Sangam has been registered in the same locality for the said tank. Though the said Sangam has subsequently been registered, even at the time of giving or entrusting the work to the petitioner Sangam, they raised objection. However, since they have not registered, the work was not entrusted to the said group of people, even though, they claimed majority of Ayacutdars of the tank concerned. Therefore, in this context, it is the stand of the respondents as submitted by the learned Additional Government Pleader that, between these two Sangam, if any one of them mustering the majority of the Ayacutdars, after identifying the same, the respondents are ready and willing to entrust the work of de-siltation to that Sangam.

7.I have considered the said submissions made by both sides.

8.Now, since there are two registered Sangams belongs to the concerned locality consisting of Ayacutdars of the tank concerned, the work can be entrusted either of the Sangam, who muster the majority of members/Ayacutdars of the tank and accordingly, the Sangam, which mustering the majority of the Ayacutdars can be allotted and given the work.

9.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.

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

"The 3rd and 4th respondents shall convene a meeting of all the Ayacutdars/Farmers of the tank concerned on 12.08.2019 (Monday) at 11.00 a.m., in a public place at the same village i.e., Gullalagundu village, Nilakkottai Taluk, Dindigul 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 3rd and 4th respondents, with the help of a representative from the PWD department to be nominated



in this regard as well as the police people of Ammayanayakkanur Police Station to 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., Gullalagundu Theppankulam Kanmai Pasana Vivasayigal Nalasangam or 'B' Sangam i.e., Malayagoundanpatty Matrum Gullalagundu Giramam Theppankulam Kanmai Pasana Vivasayegal Sangam and in whose favour, they wanted the Government to entrust the Kudimaramath work of the tank at Gullalagundu village, Nilakkottai Taluk, Dindigul 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 4th respondent, who, on receipt of such recommendatory report from the 3rd respondent, shall pass orders immediately entrusting the Kudimaramath work to the said Sangam. In this regard, the 3rd respondent to ensure law and order and in this regard, he can take necessary police protection from the Inspector of Police, Ammayanakkanur Police Station.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Collectorate,
Dindigul District.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Dindigul, Dindigul District.



3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.The Executive Engineer,
Public Works Department,
Manjalaru River Basin Division,
Periyakulam Taluk,
Theni District.

5.The Assistant Executive Engineer,
Public Works Department,
Nilakottai Taluk, Dindigul District.

COPY TO:

The Inspector of Police,
Ammayanakkanur Police Station.

1CC TO MR. I. PINAYGASH ADVOCATE SR 80658

1CC TO THE SPL GOVT PLEADER SR 80676

JM
8/8/2019
5P 9C

Order made in
W.P. (MD) No.17328 of 2019
and W.M.P. (MD) No.13824 of 2019

Dated: 07.08.2019