



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.18030 of 2019

and

W.M.P. (MD) No.14480 of 2019

K.Lokanathan

... Petitioner

-Vs-

- 1.The District Collector,
O/o.District Collectorate,
Madurai District.
- 2.The Chief Engineer,
Water resource/Public Works Department,
Tallakulam, Madurai Division,
Madurai - 2.
- 3.The Superintendent Engineer,
Water resource/Public Works Department,
Tallakulam, Madurai - 2.
- 4.The Executive Engineer,
Public Works Department,
Periyar Basin Division,
Melur Taluk, Madurai District.
- 5.The Assistant Engineer,
Water Resource/Public Works Department,
Thallakulam, Madurai District.
- 6.The District Registrar,
O/o.District Registrar,
Madurai District, Madurai.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondent No.4 herein from issuing work order to any other person with respect to the Kudimaramath works of Eluppakudi Kanmai (Tank) at Shanmuganathapuram, A.Vallalapatti Post and consequently direct the respondent No.4 to provide the letter to the petitioner to register the association namely viz., Eluppakudi Kanmai Ayacattuthar Sangam with respondents/ No.6.



For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Anand, G.A.

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ORDER

The prayer in this writ petition is for a Writ of Mandamus, forbearing the respondent No.4 herein from issuing work order to any other person with respect to the Kudimaramath works of Eluppakudi Kanmai (Tank) at Shanmuganathapuram, A.Vallalapatti Post and consequently direct the respondent No.4 to provide the letter to the petitioner to register the association namely viz., Eluppakudi Kanmai Ayacattuthar Sangam with respondent No.6.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.V.Anand, 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 the President of a registered Society consisting of Farmers/Ayacutdars of Eluppakudi Kanmai Ayacuttudhar Sangam. 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 2019-2010 for which, an amount of Rs.499.688 Crores for 6829 number of works have been allotted. Restoration of Eluppakudi 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's Sangam viz., The Eluppakudi Kanmai Ayacuttudhar 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, it seems that there is a rival Sangam as claimed by the petitioner as well as the learned Additional Government Pleader appearing for the respondents. However, the same has not so far been registered.

7.The learned counsel appearing for the petitioner submits that, out of the total 45 Ayacutdars, 25 Ayacutdars supported the petitioner's Sangam and only 15 Ayacutdars supported the unregistered Sangam and they seems to have claimed that the Kudimaramath work to be entrusted to them.



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

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, 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 Tahsildar of the concerned Taluk shall convene a meeting of all the Ayacutdars/Farmers of the tank concerned on 24.08.2019 (Saturday) at 11.00 a.m., in a public place at the same village i.e., A.Vallalapatty Village, Melur 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 Tahsildar, 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., Eluppakudi Kanmai Ayacuttudhar Sangam or 'B' Sangam i.e., unregistered Sangam and in whose favour, they wanted the Government to entrust the Kudimaramath work of the Eluppakudi Kanmai. The election shall be held between 11.30 A.M. and 12.30 P.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 Tahsildar concerned, shall pass orders immediately entrusting the Kudimaramath work to the said Sangam. In this regard, the Tahsildar has to ensure law and order and in this regard, he can take necessary police protection from the police department/ concerned station.

Since the Tahsildar concerned is not a party in this writ petition, the 1st respondent District Collector shall give suitable instructions to the



Tahsildar concerned to conduct the meeting as stated above along with the 3rd respondent and accordingly, the direction given above shall be complied with.

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

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Collector,
O/o. District Collectorate, Madurai District.

2. The Chief Engineer,
Water resource/Public Works Department,
Tallakulam, Madurai Division, Madurai - 2.

3. The Superintendent Engineer,
Water resource/Public Works Department,
Tallakulam, Madurai - 2.

4. The Executive Engineer,
Public Works Department,
Periyar Basin Division,
Melur Taluk, Madurai District.

5. The Assistant Engineer,
Water Resource/Public Works Department,
Thallakulam, Madurai District.

6. The District Registrar, O/o. District Registrar,
Madurai District, Madurai.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.83128
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 82843

Order made in
W.P. (MD) No.18030 of 2019
and W.M.P. (MD) No.14480 of 2019
Dated: **20.08.2019**

AL(CO)

TR (22.08.2019) 4P 9C