IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.8579 of 2020
and
W.M.P.Nos.10368, 10374 & 13120 of 2020

A.K.T.Sakthivel
S/o.Thangapillai
Secretary
K.A.Alambalam Eari Ayakkattu Paasanathararkal Sangam
K.Alambalam Post,
Sankarapuram Taluk
Kallakurichi District - 606 213. ... Petitioner

Vs

1. The District Collector
   Kallakurichi District.

2. The Sub-Collector
   Kallakurichi, Kallakurichi District.

3. The Tahsildar
   Sangarapuram Taluk
   Kallakurichi District.

4. The Assistant Engineer
   Water Resources Department
   Vellaru Subdivision
   Kallakurichi.

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5. Ka.Alambalam Eri Pasanatharargal Sangam
Rep. by its President
P.Thangapandiyan
Kachirapalayam Road, Ka.Alambalam
Kallakurichi, Tamil Nadu - 606 202. ... Respondents

* R5 impleaded vide order dated 31.08.2020
made in W.M.P.No.13251 of 2020 in W.P.No.8579 of 2020

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 27.05.2020, 30.05.2020, 05.06.2020, 10.06.2020, 13.06.2020 and 15.06.2020 and consequently, direct the respondents 1 & 2 to conduct the fair election and allot K.Alambalam Lake Kudimaramath work to the real Ayacutdars.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader
for R1 to R4
Mr.T.Sellapandian for
R5(impleaded)

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O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This writ petition is filed seeking for mandamus directing the respondents to consider the petitioners' representation dated 27.05.2020, 30.05.2020, 05.06.2020, 10.06.2020, 13.06.2020 and 15.06.2020 and consequently, direct the respondents 1 & 2 to conduct the fair election and allot K.Alambalam Lake Kudimaramath work to the real Ayacutdars.

3. Heard both sides.

4. According to the petitioner, the petitioner Association is having major number of persons using the water for irrigation and therefore, the petitioner Association alone should be allotted to carry out Kudimaramath work of the subject matter lake. With that grievance, the petitioner approached this Court and filed the above writ petition. According to the petitioner, the third party, who is impleaded now is not having sufficient members and however, they are being allotted the work.

5. When the matter was taken up earlier on 13.08.2020, this Court

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passed the following order:

> *"3. However, the learned counsel for the petitioner submitted that because of the lock down and Section 144 IPC issued in that area, the petitioner could not participate in the physical verification conducted earlier. However, now they are wiling to participate in the physical verification to prove their majority if an opportunity is given to that effect.*
>
> *4. Accordingly, the second respondent-Sub Collector, Kallakurichi District, along with revenue officials and in the presence of the 4th respondent shall conduct physical verification once again, after issuing notice to both the associations, on 19.08.2020 and file a report before this Court with regard to the result of such verification. The petitioner shall cooperate with the physical verification as expressed before this Court.*
>
> *5. Post the writ petition for further hearing on 24.08.2020. The interim order already granted is extended."*

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6. Accordingly, a report dated 19.08.2020 along with enclosures is filed by the Sub-Collector, Kallakurichi, namely, the second respondent herein. From the said report, it is evident that the Sub-Collector

conducted physical verification and found that the petitioner-Association is having only 72 members whereas, the other party is having 170 members. Therefore, the Sub-Collector, Kallakurichi, opined that the other party, viz., the impleaded 5th respondent is having majority of the membership and consequently, they are entitled to carry out Kudimarath work. Based on the above said report, I find that the petitioners' grievance is not well founded, more particularly, when the second respondent has conducted physical verification and found that they are not having majority members.

7. Under such circumstances, this Writ Petition is disposed of, by recording the report submitted by the second respondent. The interim order already granted stands vacated. No costs. Consequently, connected miscellaneous petitions are closed.

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31.08.2020

vsi/mk
Speaking/Non-speaking
Index : Yes/No
Internet : Yes/No

K.RAVICHANDRABAABU,J.

vsi/mk

To

1. The District Collector, Kallakurichi District.
2. The Sub-Collector
   Kallakurichi, Kallakurichi District.
3. The Tahsildar
   Sangarapuram Taluk
   Kallakurichi District.
4. The Assistant Engineer
   Water Resources Department
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