

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6926 of 2014
and M.P.No.1 of 2014
(Heard Through VC)

P.Shenkoda Gounder

..Petitioner

Vs.

1. The District Collector,
O/o. Collectorate,
Erode District.
2. The Superintending Engineer,
(Water Resources),
Kazha Bavani Water Source Division,
Collectorate, Erode District.
3. The Executive Engineer,
Water Resources,
Kazha Bavani Water Source Division,
Konavaikkal, Erode District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to frame a scheme for continuous water source for irrigation to the petitioner's land comprised in Re-Survey No.50/1, 1B, 2, 3, 4, 5 at Suriyampalayam Village, Erode Taluk an extent of 1.00 acre.

For Petitioner : Mr.C.S.Saravanan
For Respondents : Mr.M.D.Ilayaraja
Government Advocate

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ORDER

The Writ Petition is filed for a mandamus, directing the first respondent to frame a scheme for continuous water source for irrigation to petitioner's land comprised in Re-Survey No.50/1, 1B, 2, 3, 4, 5 at Suriyampalayam Village, Erode Taluk, to an extent of 1.00 acre.

2. The case of the petitioner is that the respondents herein often restricting him from drawing water and such restriction causes disturbance for the agricultural operation resulting in monetary loss. It is further stated that there is no storage system of rain water in the State of Tamil Nadu. Hence, the petitioner wanted a scheme to be followed for continuous water source.

3. The third respondent has filed a counter affidavit, in which, it is stated that the petitioner and many others are having lands, which are classified as Dry Ayacut lying adjacent to Kalingarayan Channel. They have been bailing out water from the Kalingarayan channel unauthorisedly by bullocks and also mechanical lifts with the help of oil engine or electric motor pump sets, without any approval. Earlier, one U.S.Palanivel filed a Writ Petition before this Court in W.P.No.27852 of 2003 and this Court, by order dated 08.10.2003, had directed the respondents to verify as to whether such illegal tapping or drawing of water is done, if so, to take immediate action against those persons. Accordingly, those pipe lines which were un-authorisedly laid below the ground level including the petitioner's land were removed. Because of such illegal diversion of water, the registered tail end Ayacatdars of Kalingarayan Channel are unable to get sufficient water supply for irrigation. In such circumstances, it is not possible to frame a separate scheme for giving continuous water supply to petitioner's land.

4. Recording the same, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

srn

To

1. The District Collector,
O/o. Collectorate,
Erode District.
2. The Superintending Engineer,
(Water Resources),
Kazha Bavani Water Source Division,
Collectorate, Erode District.

3. The Executive Engineer,
Water Resources,
Kazha Bavani Water Source Division,
Konavaikkal, Erode District.

+1cc to the Government Pleader, S.R.No.37745

W.P.No.6926 of 2014
and M.P.No.1 of 2014

MP (CO)
KKV/31/12/2020



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