

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.27539 of 2014

1.Sivashanmugavelayuthasamy,

2.Rajalakshmi

..Petitioners

Vs

1.The Assistant Engineer,
Public Works Department,
PAP Project, Canal Division Office,
Negamam,
Pollachi Taluk
Coimbatore District

2.The Executive Engineer,
Public Works Department,
PAP Project,
Makkinampatti Post,
Pollachi Taluk
Coimbatore District

3.The Tahsildar,
Kinathukadavu,
Coimbatore District

4.The Sub Collector,
Pollachi,
Coimbatore District

....Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation dated 27.09.2014 sent by the petitioners.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : Mr.K.Ravikumar, AGP

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider the petitioners' representation dated 27.09.2014.

2. The case of the petitioners is that they are residing at Gurunellipalayam in SF Nos.61/2A2, 61/2D, 61/2E and 61/2B, 61/2F2, 61/2I and 61/2J. According to them, they are the owners of the lands situated in afore mentioned Survey Numbers and the said lands come under the Parambikulam Aliyar Project, and from the year 1995, as per new Ayacut Scheme, they are irrigating water from Parambikulam Aliyar Project. According to them, all of a sudden, at the instance of one Chellamuthu, the first respondent closed the Canal on 25.09.2004, which is passing through the petitioners' lands, thereby affecting the petitioners' cultivation by disturbing the irrigation of the petitioners' agricultural lands. Therefore, it is the case of the petitioners that they gave representation on 27.09.2014 to the respondents calling upon them to open the Canal. However, the said representation was not considered till date, the petitioners have come forward by way of the present writ petition.

3. Heard, Mr.C.Veeraraghavan, learned counsel for the petitioners and Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents.

4. As seen from the affidavit filed in support of the petition, it appears that they have been utilizing water from the Canal coming out of Parambikulam Aliyar Project from the year 1995 for the purpose of irrigating their agricultural lands at Gurunellipalayam in SF Nos.61/2A2, 61/2D, 61/2E and 61/2B, 61/2F2, 61/2I and 61/2J. It is also stated that all of a sudden on 25.09.2004, at the instance of one Chellamuthu, the first respondent has closed the Canal affecting the petitioners' agricultural lands as the Canal was only the source of irrigation for their lands. The petitioners gave a representation on 27.09.2014 to the respondents calling upon them to open the Canal. Admittedly, the said representation has not been considered by the respondents.

5. Considering the submission of the learned counsel appearing for the petitioners and after going through the materials placed on record, this Court, directs the respondents to consider the representation of the petitioners dated 27.09.2014 and dispose of the same by passing final orders in accordance with law and on merits, after affording an opportunity of personal hearing to the petitioners and also to all the necessary parties who are interested in the matter within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dn
To

1.The Assistant Engineer,
Public Works Department,
PAP Project, Canal Division Office,
Negamam,
Pollachi Taluk
Coimbatore District

2.The Executive Engineer,
Public Works Department,
PAP Project,
Makkinampatti Post,
Pollachi Taluk
Coimbatore District

3.The Tahsildar,
Kinathukadavu,
Coimbatore District

4.The Sub Collector,
Pollachi,
Coimbatore District

+1 CC to Mr.C.Veeraraghavan, Advocate sr 2210.
+1 CC to Govt. Pleader sr 3222.

WEB COPY

W.P.No.27539 of 2014

SJ(CO)
SP(28/02/2020)