

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.21345 of 2017
and W.M.P.No.22277 of 2017

K.Velusamy

.. Petitioner

Versus

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3. The Tahsildar,
Kangayam Taluk,
Tiruppur District

....Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents and their subordinates from in any way interfering with the petitioner's right to take water from the bore-well installed in S.No.258/B of Rasatha Valasu Village to his own house and shops comprised in S.No.489/A3 of Vellakovil Village, Kangayam Taluk, Tiruppur District by considering his representation dated 22.05.2017.

For Petitioner : Mr.N.Manokaran

For Respondents: Ms.K.Bhuvaneswari,
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's right to take water from the bore-well installed in S.No.258/B of Rasatha Valasu Village to his own house and shops comprised in S.No.489/A3 of Vellakovil Village, Kangayam Taluk, Tiruppur District, by considering his representation dated 22.05.2017.

2. It is the case of the petitioner that he is the owner of house site of an extent of 2575 sq.ft. bearing S.F.No.489/A3, Vellakovil Village, by virtue of a Sale Deed dated 16.11.1990 in Doc.No.2860 of 1990. The petitioner's father late Kumarasamy Gounder and his brother Nachappa Gounder entered into a registered partition deed dated 22.07.2008 in Doc.No.3000/2008, in which, 'A' schedule was allotted to petitioner's father and 'B' schedule was allotted to the said Nachappa Gounder. After the death of the petitioner's father, there was a family arrangement entered into between the legal heirs. Accordingly, an extent of 1.62 1/2 acres in S.No.258/B of Rasathavalasu Village, Kangayam Taluk and other properties were allotted to him. In order to meet the water scarcity in the petitioner's house and shops, he has arranged for transportation of the water from the bore well installed in S.F.No.258/B of Rasatha Valasu Village to his house and shops comprised in S.No.489/A3 of Vellakovil Village, Kangayam Taluk, Tiruppur District. When the petitioner made an attempt to transport water from his own bore well, the third respondent and the Revenue Officials have interfered with the same. Hence, the petitioner made a representation dated 22.05.2017 to the respondents seeking to permit him to transport water from his bore well to his house and shops through tractor / lorry. But, no action has been taken till today. Hence, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents and perused the materials available on record.

4. No counter affidavit has been filed by the respondents. However, the learned Additional Government Pleader has produced before this Court, a Government Order in G.O.(Ms).No.161, Public Works (R2) Department, dated 23.10.2019 with respect to assessment of the Dynamic Ground Water Resources Assessment for Tamil Nadu. Accordingly, the Government approved the categorization of the Revenue firkas in the state as over exploited critical, semi critical, safe and saline / poor quality based on the Dynamics Ground Water Resource Assessment as on March 2017. Kangayam Taluk has been notified as 'over exploited'. However, it is not understandable as to why the representation of the petitioner dated 22.05.2017 could not be considered by the respondents till today, when the above referred G.O was passed only on 23.10.2019.

5. Considering the facts and circumstances of the case, the third respondent is directed to consider the representation of the petitioner dated 22.05.2017 within a period of four weeks from the date of receipt of a copy of this order and pass orders

in accordance with law after affording the petitioner an opportunity of personal hearing.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. Post the matter on 09.04.2020 'for reporting compliance'".

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

srn
To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.
3. The Tahsildar,
Kangayam Taluk,
Tiruppur District

Copy to

The Section officer
Writ Section(Posting)
High Court, Madras 104.(post on 09/04/2020 for reporting compliance)

+1 CC to Govt. Pleader sr 20648 & 20649
+1 Cc to Mr.N.Manokaran, Advocate sr 19932.

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SSI (CO)
SP(19/05/2020)