



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 19.06.2020
DELIVERED ON: 30.06.2020

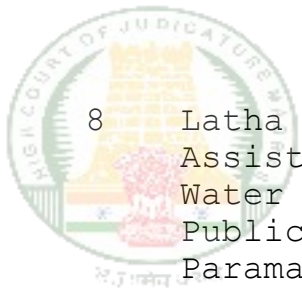
CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH
and
THE HON'BLE MR. JUSTICE B. PUGALENDHI

W.P. (MD) No.6805 of 2020 & W.M.P. No.6207 of 2020

K. Natarajan : Petitioner
vs.

- 1 The Chief Engineer (General)
Public Works Department
Chennai
- 2 The Engineer-in-Chief
Water Resource Department
Public Works Department
Chennai
- 3 The District Collector
Ramanathapuram District
Ramanathapuram
- 4 The Revenue Divisional Officer
Paramakudi Taluk
Ramanathapuram
- 5 The Superintending Engineer
Water Resource Department
Public Works Department
Collectorate
Sivagangai
- 6 The Executive Engineer
Water Resource Department
Public Works Department
Paramukudi Taluk, Ramanathapuram
- 7 The Assistant Engineer/Junior Engineer
Water Resource Department
Public Works Department
Paramakudi Sub Division
Paramakudi
Ramanathapuram District



- 8 Latha
Assistant Engineer/Junior Engineer
Water Resource Department
Public Works Department
Paramakudi Sub Division
Paramakudi
Ramanathapuram District
- 9 The Tahsildar
Paramakudi Taluk
Paramakudi
Ramanathapuram District
- 10 The District Registrar
O/o the District Registrar Office
Virudhunagar District
- 11 K. Ganesan
President
Keelaparuthiyur Kanmai Pasana Vivasayigal Sangam
Reg. SRG/Virudhunagar/56/2020
Keelaparuthiyur
Paramakudi Taluk
Ramanathapuram District : Respondents

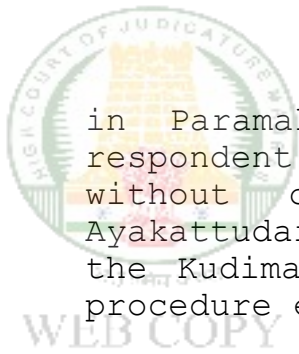
Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from, in any way, allotting the Kudimaramathu work in respect of Keelaparuthiyur Periyakanmai situated in Keelaparuthiyur Village, T.Punavasal Post, Paramakudi Taluk, Ramanathapuram District, in favour of the 11th respondent or any person claiming through the 11th respondent, without conducting any tender process and election among Ayakattudars and consequentially, to direct the respondents to allot the Kudimaramathu work in respect of the tank by following the procedure established by law.

For petitioner	: Mr. M. Ajmal Khan, Sr. Counsel for M/s. Ajmal Associates
For RR 1 - 7 & 9	: Mr. R. Sethuraman, Spl. Govt. Pleader
For R10	: Mr. V. Anand, Govt. Advocate
	- - - - -

ORDER

(made by P.N. PRAKASH, J.)

In the opinion of this Court, this is a preposterous, preemptory and anticipatory writ petition seeking a writ of mandamus forbearing the authorities from allotting the Kudimaramathu work in respect of Keelaparuthiyur Periya Kanmoi in Keelaparuthiyur Village



in Paramakudi Taluk, Ramanathapuram District, to the eleventh respondent or any person claiming through the 11th respondent, without conducting any tender process and election among Ayakattudars and consequentially, to direct the respondents to allot the Kudimaramathu work in respect of the Kanmoi by following the procedure established by law.

2 The expression "Kudimaramathu work", which means desilting the tank, is usually allotted to an association of farmers which uses the water of the tank. Whenever such an allotment is made by the Public Works Department, the rival group would naturally get incensed and would approach the Court alleging that the allotment has been made illegally.

3 The learned counsel for the petitioner brought to the notice of this Court certain orders passed by some learned Single Judges of this Court, wherein, the dispute amongst the villagers would be resolved by conducting an election in order to determine as to which association amongst them, has the maximum number of Ayakattudars (water users).

4 It is common knowledge that on account of COVID-19 pandemic, all works in the State have come to a grinding halt for the last three months and now, the Government is taking up steps to initiate some economic activities like desilting of tanks, so as to provide employment for villagers. The rulings relied on by the learned counsel for the petitioner were delivered at a time when things were normal. That apart, as stated earlier, this is an anticipatory public interest litigation, sans merit. In such perspective of the matter, this writ petition cannot be entertained.

Resultantly, this writ petition stands dismissed, however, sans costs. Connected W.M.P. stands closed.

Sd/-

Assistant Registrar (Records)

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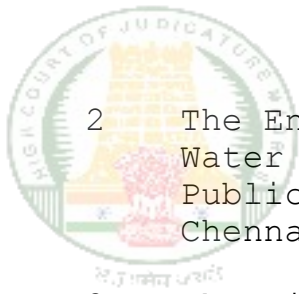
/ /2020

Sub Assistant Registrar(CS)

Cad

To

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Chennai



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W.P. (MD) No.6805 of 2020
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CS (03.07.2020) 4P 11C