



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2020**

CORAM

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.7096 of 2020
and W.M.P.(MD)No.6532 of 2020

P.Thiraviyam

...Petitioner

-Vs-

1.The District Collector,
Madurai District,
Collector Office Building,
Madurai.

2.The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

3.The Chief Engineer,
Public Works Department,
PWD-WRO Office,
Tallakulam,
Madurai.

4.The Inspector of Police,
Keezhavalavu Police Station,
Melur Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, Praying to issue a writ of Mandamus, to direct the respondents 1 to 3 to remove the illegal construction of a sluice at S.No.303, Venkuttan Tank, Kongampatti Village, Melur Taluk, Madurai District.

For Petitioner : Mr.I.Velpradeep
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader



ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

The petitioner claims to be an agriculturist having paddy fields at Kayampatti Village, Melur Taluk, Madurai District and he claims that he is one of the Aayakattutharars of Venkattan Tank, which is supplied water to the irrigation fields of 70 acres in Kayampatti Village.

2. The petitioner would further aver that there are 35 Aayakattutharars using the water through the sluice constructed by the Public Works Department in Survey No.303. The petitioner has also expressed his grievance that some of the Aayakattutharars led by one Ramasamy, S/o Karuppiyah and Revathi, w/o Kommbaian had constructed unauthorized sluice for the purpose of diverting the water, which was originally flowing through the sluice constructed by Public Works Department.

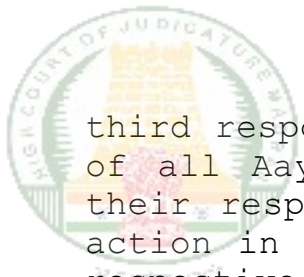
3. The petitioner, in this regard, has also submitted a representation dated 18.05.2020 to respondents 1 to 3 to remove the illegal construction in the form of additional sluice constructed by the said persons and since no response is forthcoming, the petitioner is constrained to approach this Court by filing this writ petition.

4. Heard the submissions of Mr.I.Velpradeep, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5. The learned Special Government Pleader, on instructions, would submit that there is a sluice originally constructed by the Public Works Department and subsequently, above 20 years back, the villagers of Kayampatti themselves had constructed an additional sluice. It is further submission of the learned Special Government Pleader that a proposal is at an initial stage for construction of additional sluice and on instructions, would also submit that if the proposal materializes, the rights of the petitioner, who is the original Aayakattutharar would not be affected and the water supply to irrigate his lands would also be ensured.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Admittedly, the petitioner is an original Aayakattutharar and therefore, he is having vested right for supply of water to irrigate his lands. If the official respondents, especially the



third respondent, wants to construct an additional sluice, meeting of all Aayakattutharars have to be convened and after eliciting their response, the third respondent may take appropriate steps/action in accordance with law and communicate the decision to the respective Aayakattutharars. The said exercise is to be completed as expeditiously as possible and not later than 12 weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
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4.The Inspector of Police,
Keezhavalavu Police Station,
Melur Taluk,
Madurai District.

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Order made in
W.P. (MD) No. 7096 of 2020
14.07.2020

CK(CO)
TR(24.07.2020) 4P 5C