



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.9015 of 2020

Gopalakrishnan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Executive Engineer,
Sarugani Water Resource Division,
Public Works Department,
Sivagangai,
Sivagangai District.
- 3.The Additional Executive Engineer,
Water Resources/Public Works Department,
Manamadurai,
Sivagangai District.
- 4.The District Registrar,
Office of the District Registrar,
Sivagangai,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the fourth respondent herein from in any manner registering the farmers association in respect of the Kattikulam Kanmoi situated at Kattikulam, Manamadurai Taluk, Sivagangai District without conducting the elections and consequently directing the first respondent herein to conduct the elections of the farmers association in accordance with law and within the stipulated time.

For Petitioner

: Mr.S.Krishnan

For Respondents

: Mrs.S.Srimathy

Special Government Pleader

ORDER

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is an Ayacutdar in respect of Kattikulam Kanmoi in Sivagangai District. The petitioner is aggrieved by the registration of "கட்டிகுளம் கண்மாய் குழமராமத்துப் பணி சங்கம்" on 14.08.2020

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by the fourth respondent. After the said body has been registered as a society by the fourth respondent, the public works department had entered into agreement with it and also awarded the kudimaramathu works. The petitioner herein challenges both the actions of the respondents herein.

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3.It is not in dispute that the Farmers' Organisation in respect of the said kanmoi was constituted under Section 4 of the Tamil Nadu Farmers' Management of Irrigation Systems Act 2000 (hereinafter referred to as Tamil Nadu Act 7 of 2001). In fact, under Section 5 of the said Act, election to the Managing Committee was also conducted. In response to my specific question to the learned Special Government Pleader, it was submitted that the election for the Management Committee was held on 13.09.2009 and one Thiru.C.Ramakrishnan S/o. Chellam Servai was elected on 13.09.2009. She would point out that the newly formed society is also headed by the very same Thiru.C.Ramakrishnan.

4.The specific stand of the learned Special Government Pleader is that Thiru.C.Ramakrishnan commands the confidence of the majority of the Ayacutdars and that therefore the officials have simply gone by G.O.Ms.No.171, Public Works Department, dated 11.08.2017.

5.I am afraid that I cannot accept the aforesaid defence of the learned Special Government Pleader. The issue on hand is squarely covered by the order dated 02.09.2020 passed by this Court in W.P.(MD)No.6755 of 2020 etc. Ofcourse in the said writ petition, I had not set aside the agreements entered into between the department and the newly formed societies for the simple reason that the works had been substantially completed and the funds had also been disbursed. But in the case on hand, the works had hardly commenced and the petitioner had moved this Court on 04.08.2020 itself. It came up for admission before me on 07.08.2020. The respondents had also taken notice on the said date. Thus the developments had taken place during the pendency of this writ petition. Therefore, they will have to abide by the outcome of the writ petition. In the order dated 02.09.2020 in W.P.(MD)No.6755 of 2020 etc. I had specifically relied on Section 15 of the Tamil Nadu Act 7 of 2001. The said provision states that the Farmers' Organisation once constituted will have perpetual succession and shall be a body corporate. Likewise, Section 42 of the said Act contemplates that societies registered under the Tamil Nadu Societies Registration Act 1975 would be merged with the Farmers' Organisation. In other words, the object of the statute is that there should be only one umbrella body encompassing all the ayacutdars. That cannot be two rival groups. That should be only one organisation and with that single organisation, the public works department can enter into agreement and award kudimaramathu works on nomination basis. Since the action of the respondents herein



contravenes the aforesaid statutory mandates, I have no other option but to interfere.

6. Therefore, the Public Works Department shall award the kudimaramathu works only in favour of the Farmers' Organisation constituted under Section 4 of the Tamil Nadu Act 7 of 2001. The District Collector, Sivagangai District, is directed to take immediate action for constituting the Managing Committee under Section 5 of the said Act.

7. The writ petition is disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Office of the District Collector,
Sivagangai District.
2. The Executive Engineer,
Sarugani Water Resource Division,
Public Works Department,
Sivagangai,
Sivagangai District.
3. The Additional Executive Engineer,
Water Resources/Public Works Department,
Manamadurai,
Sivagangai District.
4. The District Registrar,
Office of the District Registrar,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL GP(SR-17525[F] dated 21/09/2020)

W.P. (MD)No.9015 of 2020
17.09.2020

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