



WEB COPY

W.P(MD)No.14470 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14470 of 2020

and

W.M.P(MD)No.12109 of 2020

V.Mahesh

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Executive Engineer,
Public Works Departments (Kundaru Tank)
Vaikasi Illam, Thallakulam,
Madurai District.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Usilampatti, Madurai District.
- 4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chekkanoorani,
Madurai District.
- 5.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Alwarnagar, Nagamalai Pudukottai,
Madurai District.
- 6.The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai District.

7.Palpandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to maintain the said Tank namely, Puliyankulam Kanmai situated in Survey No.80-2 and 81-1 at Chakkilipatti Village, Thirupparankundram Taluk, Madurai District for the Development of agriculture and irrigation to the farmers and thereby restraining the respondent No.3 to 5 from making any physical or structural change and laying roads and thereby preventing the free flow of water to the tank

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during the rainy season forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For Respondent	: Mr.K.M.Muthu,
Nos.1 to 6	Additional Government Pleader

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ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

The Vice President of Chakkilipatti Village Panchayat, Thirupparankundram Taluk, Madurai District filed this writ petition for a writ of mandamus, directing the second respondent to maintain the Puliyankulam Tank, situated in Survey Nos.80/2 and 81/1 of Chakkilipatti Village, Thirupparankundram, for the development of the agriculture and irrigation and to restrain the respondent Nos.3 to 5 from making any physical or structural change and laying road.

2.The grievance of the petitioner is that Puliyankulam Tank at Chakkilipatti Village is the main source of water for agricultural operations in the village and the 7th respondent without any proper permission from the Public Works Department or from any authorities, laid road in the said tank, for his personal use to transport bricks from his brick kiln and electricity poles have also been erected in the water body. Therefore, a resolution has also been passed in the Village Panchayat that without getting permission from the Village Panchayat, no electricity work should be carried on in the water body and it was also forwarded to TANGEDCO, for necessary action and despite the same, the officials, colluding with the 7th respondent, are helping him to encroach upon the water body.

3.When the writ petition was taken up for hearing, the learned Additional Government Pleader filed a status report of the Executive Engineer, PWD, Gundar Basin Division, Madurai that Vedarpuliyankulam Tank is under the control of the Public Works Department and it is rain fed tank and there is no source of surplus water from the river Vaigai as alleged by the writ petitioner. The Tamil Nadu Electricity Board officials tried to erect electricity poles in Survey Nos.80/2 and 81/1 of Chakkilipatti Revenue Village at Thirupparankundram Taluk on 29.09.2020. But the said Survey Numbers are water spread areas of Vedarpuliyankulam tank and therefore, the PWD officials duly stopped the work. It is further stated there is no separate road laid as alleged by the writ petitioner and there is no structural change made to the existing tank and there are more water channels coming to the Survey Nos.80/2 and 81/1 of Chakkilipatti Village.

4.Further it is submitted that they received a communication from the Executive Engineer, TANGEDCO, Usilampatti vide Letter A.No.2745 of 2020 dated 06.10.2020, seeking for No Objection



Certificate from PWD for erecting electricity poles in Survey Nos.80/2 and 81/1 of Chakkilipatti Village and the same is under their consideration and it would be decided following the due process of law.

5.Heard Mr.S.Palani Velayutham, learned Counsel for the petitioner and Mr.K.M.Muthu, learned Additional Government Pleader appearing for the official respondents.

6.As per the status report filed by the Executive Engineer, PWD, Gundar Basin Division, Madurai, there is no separate road laid in the water body in Survey Nos. 80/2 and 81/1 of Chakkilipatti Revenue Village and there is no structural change to the existing tank. Further a request has also been made from the Executive Engineer, TANGEDCO, Usilampatti to the Executive Engineer, PWD, Gundar Basin Division, Madurai for erecting electric poles in Survey Nos.80/2 and 81/1 of Chakkilipatti village and the same is under consideration of the Executive Engineer.

7.In the light of the above, recording the status report filed by the Executive Engineer, PWD, Gundar Basin Division, the writ petition is disposed of, leaving it open to the Executive Engineer, PWD Gundar Basin Division, Madurai, to take a decision, on erecting the electricity poles in Survey Nos.80/2 and 81/1, of Chakkilipatti village by following due process of law. No costs. consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

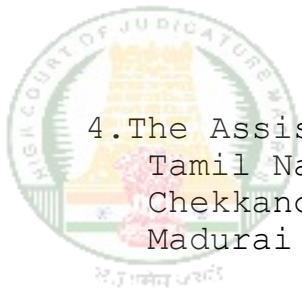
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To

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+1 CC to M/s.GP (SR-24864[F] dated 10/12/2020)

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08.12.2020

MJ(CO)

AP(17/12/2020) 4P 8C