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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.17583 TO 17586 OF 2012 AND 1424 TO 1427 OF 2013
AND

M.P.NOS.1 OF 2012 (4 M.PS) AND 1 OF 2013
(4M.PS), 2 OF 2013 (4.M.PS)

W.P.No.17583 to 17586 of 2012:

K.Govindasamy	... Petitioner in WP No.17583 of 2012
S.Saravanakumar	... Petitioner in WP No.17584 of 2012
R.Karuppusamy	... Petitioner in WP No.17585 of 2012
G.Nithyanandhan	... Petitioner in WP No.17586 of 2012

.Vs.

- 1 THE CHIEF ENGINEER,
WATER RESOURCES ORGANISATION,
PUBLIC WORKS DEPARTMENT,
COIMBATORE REGION, COIMBATORE ,
COIMBATORE DISTRICT.
- 2 EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, IRRIGATION & WATER
RESOURCES MANAGEMENT, AZHIYAR AYAKATE
DIVISION, POLLACHI,
COIMBATORE DISTRICT.
- 3 SUPERINTENDENT ENGINEER,
PUBLIC WORKS DEPARTMENT, IRRIGATION & WATER
RESOURCES MANAGEMENT,
PARAMBIKULAM AZHIYAR AYAKATE DIVISION,
POLLACHI,
COIMBATORE DISTRICT.



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PARAMBIKULAM-ALIYAR PROJECT,
THIRUMOORTHY RESERVOIR PROJECT COMMITTEE,
REPL BY ITS CHAIRMAN,
K.PARAMASIVAM S/O.KARUPPUSAMY GOUNDER,
R.PONNAPURAM & POST
MAHALINGAPURAM VIA, POLLACHI TALUK,
COIMBATORE DISTRICT.

(R4 IMPEADED ORDER DATED 24.07.2012 BY KCJ IN MP.2/2012 IN
WP.17583/2012)

... Respondents (In all)

Prayer in Wp.17583 to 17586 to 2012:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus.

i) To call for the records pertaining to the impugned proceedings of the 2nd respondent vide TNP/VA/Ko.10/240M, dated 24.08.2011, to quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 2nd respondent in No. S.M.K.No. TNP/VA/Ko.10/198M, dt. 13.07.2011 in WP No.17583 of 2012

ii) To call for the records pertaining to the impugned proceedings of the 2nd respondent vide TNP/VA/Ko.10/241M, dated 24.08.2011, to quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 2nd respondent in No. S.M.K.No. TNP/VA/Ko.10/199M, dated 13.07.2011 in WP No.17584 of 2012

iii) To call for the records pertaining to the impugned proceedings of the 2nd respondent vide TNP/VA/Ko.10/242M, dated 24.08.2011, to quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 2nd respondent in No. S.M.K.No. TNP/VA/Ko.10/205M, dated 20.07.2011 in WP No.17585 of 2012

and

iv) To call for the records pertaining to the impugned proceedings of the 2nd respondent vide TNP/VA/Ko.10/243M, dated 24.08.2011, to quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 2nd respondent in No. S.M.K.No. TNP/VA/Ko.10/206M, dated 20.07.2011 in WP No.17586 of 2012



W.P.No.1424 to 1427 of 2013:

Mr.K.Govindasamy ... Petitioner in WP No.1424 of 2013
Mr.S.Saravanakumar ... Petitioner in WP No.1425 of 2013
Mr.R.Karuppusamy ... Petitioner in WP No.1426 of 2013
Mr.G.Nithyanandan ... Petitioner in WP No.1427 of 2013

Vs

- 1 THE DISTRICT COLLECTOR,
COIMBATORE, COIMBATORE DISTRICT.
- 2 THE TASHILDAR,
SULUR, SULUR TALUK, COIMBATORE DISTRICT.
- 3 THE CHIEF ENGINEER,
WATER RESOURCES ORGANISATION,
PUBLIC WORKS DEPARTMENT,
COIMBATORE REGION, COIMBATORE,
COIMBATORE DISTRICT.
- 4 EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, IRRIGATION & WATER
RESOURCES MANAGEMENT, ALIYAR AYACUT DIVISION,
POLLACHI, COIMBATORE DISTRICT.
- 5 PARAMBIKULAM-ALIYAR PROJECT,
THIRUMOORTHY RESERVOIR PROJECT COMMITTEE,
REP. BY ITS CHAIRMAN MEDICAL K.PARAMASIVAM,
MAHALINGAPURAM VIA POLLACHI TALUK,
COIMBATORE DISTRICT.

... Respondents

Prayer in W.P.No.1424 to 1427 of 2013:

These Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus,

i) To call for the records of the 2nd respondent in Na.Ka.No. 230/2012/AA4 Dated .12.2012 (signed on 24/12/2012) and quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 4th respondent in No. S.M.K.No. TNP/VA/KO10/198M dated 13/7/2011 in WP No.1424 of 2013



ii) To call for the records of the 2nd respondent in Na.Ka.No. 230/2012/AA4 Dated .12.2012 (signed on 24/12/2012) and quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 4th respondent in No. S.M.K.No. TNP/VA/KO10/199M dated 13/7/2011 in WP No.1425 of 2013

iii) To call for the records of the 2nd respondent in Na.Ka.No. 230/2012/AA4 Dated .12.2012 (signed on 24/12/2012) and quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 4th respondent in No. S.M.K.No. TNP/VA/KO10/205M dated 20/7/2011 in WP No.1426 of 2013

iv) To call for the records of the 2nd respondent in Na.Ka.No. 230/2012/AA4 Dated .12.2012 (signed on 24/12/2012) and quash the same and forbearing the respondents from interfering with the pipelines laid in pursuance of the proceedings of the 4th respondent in No. S.M.K.No. TNP/VA/KO10/206M dated 20/7/2011 in WP No.1427 of 2013

For Petitioners

:Mr.V.Manohar
[in all W.Ps]

For Respondents

(For R1 to R3 in W.P.Nos.17583
to 17586 of 2012)
and

: Mr.C.Selavaraj
Additional Government Pleader

(For R1 to R4 in
W.P.Nos.1424 to 1427 of 2013)

[For R4 in W.P.Nos.17583 to 17586 of 2012]

and : Mr.C.Prakasam

[For R5 in W.P.Nos.1424 to 1427 of 2013]

COMMON ORDER

The orders dated 24.08.2011 and .12.2012 (signed on 24.12.2012), suspended the pipeline connection granted in favour of the petitioners are under challenge in these present writ petitions.



2. The order of suspension were issued based on the order passed by the High Court in W.P.No.18163 of 2011 dated 10.08.2011 for considering the representation submitted by the petitioners.

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3. The grievances of the writ petitioners is that illegal pipeline connections are permitted by the respondents 1 to 3, which is causing greater hardship to the equal usage of water by the other agriculturists and people in that locality, more specifically registered Ayakat.

4. The learned counsel for the contesting respondents, mainly contended that unregistered Ayacutdars are granted permission on extraneous consideration to lay pipelines and they are abusing the usage of water, which is detrimental registered Ayakats in that locality. It is needless to state that, supply of water for agricultural usage must be regulated in a judicious manner and strictly in accordance with the provisions of the guidelines or schemes, which is enforced. Therefore, any illegal laying of pipelines for the usage of river water can never be permitted. Pipelines are to be laid strictly in accordance with the rules in force and after getting proper permission from the competent authorities. One of the allegations raised is that the authorities are also collecting with these persons for such illegal laying of pipelines.

5. In this regard, the 1st respondent / The Chief Engineer is bound to monitor the activities in this regard and the performance of the duties by the Subordinate officials. In the event of allowing any such illegal pipelines, the Chief Engineer is directed to initiate all appropriate actions against the Subordinate authorities, who all are responsible and accountable for such illegal water connections.

6. This Court is of the considered opinion that prohibiting the water usage is not preferable. Usage of water is common to all. Thus, the usage is to be regulated, but cannot be prohibited. Equal distribution of water is the Constitutional mandate and therefore, while granting permission to lay pipelines, it must be granted in a judicious manner and strictly in accordance with the provisions of the Statute, Acts, Rules and the guidelines issued by the Government in this regard. Thus, all such pipelines laid must be inspected and regulated in accordance with the guidelines issued by the Government and if any illegal connections are identified by the authorities, the same is to be removed immediately and all appropriate actions



are to be initiated against all persons, who all are responsible for such illegal extraction of water, depriving the eligible persons from getting water for agricultural and other purposes in that locality.

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7. With reference to the relief sought for in the present writ petition, this Court is of the considered opinion that the respondents 1 to 3 are directed to conduct inspections and identify all illegal connections and remove the same without any further lapse of time. In respect of the pipelines laid with the permission of the competent authority, the usage is to be verified with reference to the guidelines in force and if any violation, all suitable actions are to be initiated.

8. With these directions, all these writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jeni/Kak

To

1. The Chief Engineer,
Water Resources Organisation,
Public Works Department,
Coimbatore Region, Coimbatore,
Coimbatore District.
2. The Executive Engineer
Public Works Department
Irrigation & Water Resources Management,
Azhiyar Ayakate Division,
Pollachi, Coimbatore District.
3. The Superintendent Engineer,
Public Works Department,
Irrigation & Water Resources Management
Parambikulam Azhiyar Ayakate Division,
Pollachi,
Coimbatore District.



4. The District Collector,
Coimbatore, Coimbatore District.

5. The Tahsildar,
Sulur, Sulur Taluk, Coimbatore District.

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+3ccs to Mr.V.Manohar, Advocate, S.R.No.58751

W.P.Nos.17583 to 17586 of 2012
and 1424 to 1427 of 2013

AJS (CO)
PM/02/12/2021