



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

WMP.No.18050 of 2021

IN WP.No.19839 of 2020

1 G.SHANMUGASUNDARAM

[PETITIONERS]

2 P.SUBRAMANI

Vs

1 N.PALANISAMY

[RESPONDENTS]

2 THE STATE OF TAMIL NADU
REPRESENTED BY ITS SECRETARY, PUBLIC WORKS
DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600 009

3 THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT, CHEPAUK,
CHENNAI-600 005

4 THE DISTRICT COLLECTOR
SALEM DISTRICT, SALEM

5 THE SUPERINTENDING ENGINEER
PUBLIC WORKS DEPARTMENT, (WATER RESOURCES
ORGANIZATION), UPPER CAUVERY VADINILA VATTAM,
CHERRY RD, KUMARASAMIPATTI,
SALEM 636 007

6 THE PRESIDENT
VEERAPANDI PANCHAYAT UNION, ARIYANUR,
SALEM DISTRICT.

7 THE TAHSILDAR
SALEM (SOUTH), MANIYANUR, SALEM

8 THE DIVISIONAL ENGINEER
STATE HIGH WAYS DEPARTMENT, SALEM



9 THE ASSISTANT ENGINEER
TAMIL NADU GENERATION AND ELECTRICITY
DISTRIBUTION CORPORATION, VEERAPANDI,
SALEM DISTRICT

WEB COPY

10 R.RATHINAVEL

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the order of status quo granted in WMP.No.24507/2020 in WP.No.19839/2020 dated 23.12.2020 and dismiss the same. (IN WMP.No.18050/2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.P.SENGOTTUVEL, Advocate for the petitioner and of MR.N.UMAPATHY, Advocate for the Respondent the court made the following order:-

It is seen from records that the official respondents are yet to file their counter affidavit. The contesting respondents viz., respondents 9 to 11 have filed a counter affidavit along with a petition to vacate the interim order passed by this Court.

2.For the purposes of continuing the interim order granted by this Court, this Court has to necessarily take into consideration the earlier order passed in W.P.No.18412 of 2019, dated 10.03.2020. This writ petition was also filed by the petitioner and the subject matter in the said writ petition also pertained to restraining the respondents 9 to 11 from illegally tapping the water from main canal (Rajavaikkal). While dealing with this writ petition, this Court gave a specific finding at Paragraph No.26 of the order to the effect that the petitioner has no locus standi to question the acts of the official respondents. Having given such a finding, this Court thereafter dealt with the application that was submitted by respondents 9 to 11 seeking for laying the pipe line. Ultimately, this Court directed the official respondents to consider the application made by the respondents 9 to 11 in line with the relevant Government Orders and Regulations and to either grant permit or remove the pipe lines from Survey No.258/3. It is pursuant to the above direction, the permission has now been granted through the impugned proceedings dated 04.09.2020.

3.In the considered view of this Court, the finding given in the earlier writ petition stares at the face of the petitioner. The fundamental question that requires to be considered in this writ petition is whether in the light of such finding, the petitioner can once again maintain a writ petition of this nature or the course of action would be to file a Public Interest Litigation. It is not as if only the petitioner will be affected if the water is drawn and probably there are other agriculturalists who may also be affected.



4.This Court does not find any ground to continue with the interim order since the very locus standi of the petitioner is in question. Accordingly, the interim order granted by this Court is vacated.

5.Post this writ petition on 25.10.2021. In the meantime, the official respondents are directed to file their counter.

-sd/-
23/09/2021

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
THE STATE OF TAMIL NADU
PUBLIC WORKS DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600 009

2 THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT, CHEPAUK,
CHENNAI-600 005

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DISTRIBUTION CORPORATION, VEERAPANDI,
SALEM DISTRICT

Order

in
WMP.No.18050 of 2021

IN WP.No.19839 of 2020

Date :23/09/2021

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DV(29/09/2021)