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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.888 & 1953 OF 2015

AND

M.P.NOS.1 & 2 OF 2015

K.Paramasivam

... Petitioner in both WPs

.Vs.

1. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner/Commissioner
for Revenue Administration,
Chepauk, Chennai - 600 005.
3. The Chief Engineer,
Water Resources Organization/
Public Works Department,
Operation and Maintenance,
Chepauk, Chennai - 600 005.
4. The Engineer in Chief,
Water Resources Organization and CE (GI),
Public Works Department,
Chepauk, Chennai - 600 005.
5. The District Collector,
Coimbatore District,
Coimbatore.
6. The District Collector,
Tiruppur District,
Tiruppur.

... Respondents in both WPs

PRAYER IN W.P.NO.888 OF 2015:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the object of the Tamil Nadu Farmers



Management Irrigation Systems Act, 2000 (Act 7 of 2001) by conducting election for Water Users Association, Distributary Committee and Project Committee by fixing time for conducting the election.

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PRAYER IN W.P.NO.1953 OF 2015:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 4th respondent in his proceedings in his Letter No.PIM/F5/WUA-Election/2013, dated 12.01.2015 and quash the same and consequently direct the respondents to hand over the powers to erstwhile office bearers of the Water Users Associations till the elections to be conducted by the respondents.

For Petitioner : Mr.C.Prakasam
(in both WPs)

For Respondents : Mr.C.Jayaprakash
(in both WPs) Government Advocate

C O M M O N O R D E R

The grievance of the writ petitioner is that, no elections were conducted for Water Users Association, Distributary Committee and Project Committee so as to implement the object of the Tamil Nadu Farmers Management Irrigation Systems Act, 2000, (Act 7 of 2001).

2. The learned counsel appearing on behalf of the petitioner made a submission that the water users are unable to redress their grievances as no elections were conducted for allotting areas due to not-existence of proper association. The usage of water is misused on some occasions and therefore conducting an election is imminent for the purpose of regulating the supply of water for irrigation and other purposes.

3. In view of the significance, this Court had directed the respondents to file counter. The Engineer in Chief, WRD & Chief Engineer (General) PWD, filed a counter on behalf of the respondents 1 to 4.

4. Paragraph no.16 of the said counter which is relevant is extracted hereunder.

"I respectfully submit that the Chief Secretary, Government of Tamilnadu has also



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emphasized the need of WUA to enhance On Farm Development works. The pre-election activities are being carried out in coordination with the Revenue Department Officials like Village Administrative Officers, Tahsildar and District Collectors of the respective Districts. The Regional Chief Engineers have addressed to finalize the form IX notification by January 2022. An Election schedule has been sent to the Governmetn for approval of WUA election date to be conducted on or before 5.2.2022 for the 2792 Numbers of Water Users Associations under Tamil Nadu Irrigated Agriculture Modernisation Project (TNIAM Project) areas and for the 1249 Numbers of Water Users Associations under Phase I and II of Tamil Nadu Irrigated Agriculture Modernisation and Water Bodies Restoration and Management Project (TNIAMWARM Project) areas. And also for the Water Resources Consolidation Project (WRCP) areas, elections will be conducted for the 1566 WUA after getting the approval from the Government during the First week of April 2022. It is therefore humbly prayed that this Hon'ble court may be pleased to record this affidavit Part and Parcel of the Writ Petitions in W.P.No:888/2015 and W.P.No:1953/2015 and pass further orders and thus render justice."

5. In view of the fact that the respondents 1 to 4 filed a sworn affidavit that the elections will be conducted for the 1566 Water Users Association during the first week of April 2022, no further consideration is required in respect of the grievances raised by the petitioner in this writ petition. By recording the sworn affidavit filed on behalf of the respondents 1 to 4, these writ petitions stand disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs .

6. It is needless to state that while conducting the election, the authorities competent are bound to follow the due process as contemplated under law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kan/shr



To

1. The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.
2. The Special Commissioner/Commissioner
for Revenue Administration,
Chepauk, Chennai - 600 005.
3. The Chief Engineer,
Water Resources Organization/
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4. The Engineer in Chief,
Water Resources Organization and CE (GI),
Public Works Department,
Chepauk, Chennai - 600 005.
5. The District Collector,
Coimbatore District,
Coimbatore.
6. The District Collector,
Tiruppur District,
Tiruppur.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.61365
+lcc to the Government Pleader, S.R.Nos.61995 & 61996

W.P.NOS.888 & 1953 OF 2015 AND
M.P.NOS.1 & 2 OF 2015

CP(CO)
PBS/08/12/2021