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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.27585 of 2016

And

WMP Nos.23765, 23766 and 23779 of 2016

R.Selvaraj

...Petitioner

vs.

1. The District Collector,
Villupuram,
Villupuram District.
2. The Chief Engineer,
Water Resources Department,
Public Works Department,
Chepauk,
Chennai - 5.
3. The Superintending Engineer,
Water Resources Department,
Public Works Department,
Tiruvannamalai.
4. The Executive Engineer,
Public Works Department/Water
Resources Department,
Keelpennaiyaru Vadinila Division,
Villupuram Town and District.
5. The Assistant Executive Engineer,
Water Resources Department/
Public Works Department,
Tindivanam,
Villupuram District.

6.M.Krishnan

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in his proceedings in Letter No.219m/Ko.205/2015/EVaa A-1 dated



05.05.2015 passed by the respondent No.4 herein and to quash the same and consequently, direct the second to fifth respondents to permit the petitioner herein to draw the water from the Well situated in Survey No.1/1 belongs to Public Works Department in Veedur Village for the irrigation purpose of his land in Survey No.1/2 enabling the petitioner to carry on his agricultural activities in pursuant to the directions issued by the first respondent in Na.Ka. No.G.2/3453/2015 dated 16.02.2015.

For Petitioner : Mr.M.Arumugam

For Respondents-1 to 5 : Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The order impugned dated 05.05.2015, rejecting the claim of the petitioner to extract a Well water belongs to the Public Works Department situate at Veedur Dam.

2. The impugned order states that pursuant to the directions issued by this Court in WP No.6481 of 2015 dated 10.03.2015, the representation submitted by the petitioner was considered. The report letter from the Assistant Executive Engineer was also received.

3. The request made by the petitioner was rejected on the ground that the Well situate in Survey No.1/1 is situate at Veedur Dam area.

4. In view of the fact that Well is situate in the Dam area, no private person shall be allowed to utilise the Well.

5. The counter filed by the Assistant Executive Engineer also states that drawing of water in the said Well by the petitioner is an unauthorised act as per the Act No.8 of 2007 "an Act to provide measures for checking the encroachment, eviction of encroachment in tanks, which are under the control of management of Public Works Department Protection of Tanks and Eviction of Encroachment Act, 2007" the pipe lines and encroachments evicted in the Water Spread area of the Dam. The Well is always in submerged condition during full Reservoir Level of the Dam and hence, it is not safe to lift water from the Well by mechanical and electrical equipments which may cause casualties.

6. The reasons stated in the counter is candid and convincing.



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7. In respect of the Well situate in the water catchment area, the public cannot be allowed to extract water.

8. This apart, the encroachments, if any, is to be evicted from the Dam area.

9. Under the provisions of the Protection of Tanks and Eviction of Encroachment Act, 2007, all the allotments made in Dam area are to be evicted by following the procedures as contemplated.

10. In the present case, the petitioner seeks permission to extract Well water and the Well is situate in the water catchment area of the Dam.

11. This being the factum, the petitioner has not established any right for the purpose of grant of the relief, as such, sought for in the present writ petition.

12. Accordingly, the impugned order of the fourth respondent dated 05.05.2015 stands confirmed and consequently, the writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The District Collector,
Villupuram,
Villupuram District.
2. The Chief Engineer,
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Public Works Department,
Chepauk,
Chennai - 5.



3. The Superintending Engineer,
Water Resources Department,
Public Works Department,
Tiruvannamalai.

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4. The Executive Engineer,
Public Works Department/Water
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Villupuram Town and District.

5. The Assistant Executive Engineer,
Water Resources Department/
Public Works Department,
Tindivanam,
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RGN[co]
NSK 22/10/2021