



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.32800 of 2016
and WMP No.28359 of 2016

1. N.Muthukannan
2. K.Rajendran
3. N.Ravichandran

.. Petitioners

Vs.

- 1 The District Collector,
Tiruppur, Tiruppur District.
- 2 The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
- 3 The Tashildar,
Madathukulam Taluk,
Tiruppur, Tiruppur District.
- 4 The Divisional Engineer,
Public Welfare Department cum Water
Resources Organisation,
Amaravathi Basin, A.R.P. Office,
Dharapuram, Tiruppur District.
- 5 The Assistant Engineer
Public Welfare Department cum Water
Resources Organisation,
Amaravathi Basin, A.R.P. Office,
Dharapuram, Tiruppur District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of



Certiorarified Mandamus, forbearing the respondents from interfering the petitioners peaceful possession of agricultural land comprised in S.No. 70/2 situated at North Shankaramanallur Village, Udumalpet Taluk, Tiruppur District, by considering petitioner representation dated 26.08.2016.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.C.Kathiravan
Government Advocate.

O R D E R

The writ on hand is filed to forbear the respondents from interfering the petitioners' peaceful possession of agricultural land comprised in S.No. 70/2 situated at North Shankaramanallur Village, Udumalpet Taluk, Tiruppur District, by considering petitioners' representation dated 26.08.2016.

2. The grievances of the writ petitioner is that the 5th respondent viz., Assistant Engineer, Public Welfare Department-cum-Water Resource Organisation, is interfering with the peaceful possession of the agricultural land belongs to the petitioners and therefore, the petitioners are constrained to move the present writ petition.

3. The relief in the nature of injunction as sought for in the present writ petition cannot be granted as the 5th respondent had conducted inspections in a lawful manner as he is the authority to conduct the inspection since the agricultural land belongs to the petitioners situate adjacent to Amaravathi River. There was an allegation of extracting river water for agricultural purposes in an illegal manner and some persons have laid long pipes running to several meters and tapping the water in an illegal manner. The conduct of such an inspection cannot be construed as an illegal action by the authorities. The authorities are empowered to conduct inspections if there is any complaint on extracting river water for irrigation purposes without the permission of the Government.

4. The 5th respondent filed the counter, categorically stating that on 05.11.2015, the Tahsildhar, Madathukulam,



Revenue Inspector, Madathukulam, had conducted inspection. They found that the petitioners had been extracting water from Amaravathi river for the purpose of irrigating their lands in an unlawful manner and without any permission. Thus, a police complaint was given and FIR was registered by the police officials. On 13.04.2016, the respondent officials along with the revenue department authorities made further inspection and found that the petitioners have obliterated the right bund of the Amaravathi river for laying pipeline by digging 20 meter length and a suspicious complaint was also made to Komaralingam police and in continuation thereof as per the orders of the District Collector, the authorities are conducting frequent inspections along with the other department officials and to identify the unlawful and unauthorised extraction of river water for irrigation purposes.

5. The averments in the counter affidavit filed by the 5th respondent would reveal that the petitioners and some other agriculturalists in the locality are in the habit of extracting river water illegally for various purposes and such an illegal extraction in an unauthorised manner is an offence. It amounts to theft. Thus, criminal cases are to be registered against all such persons. The authorities cannot stop with their inspection and any illegal extraction of river water is identified then criminal cases are to be registered and all further appropriate actions are to be continued by the authorities in the manner known to law. When there is frequent allegation of extraction of river water by the people of that locality, then frequent inspections and action are eminent to control such illegal activities.

6. Under these circumstances, the respondents are directed to conduct exhaustive inspections of river beds and identify such illegal activities and initiate appropriate criminal action against the offenders and control such activities for the benefit of public at large.

7. Though the petitioners state that they have obtained permission, the validity of permission is also to be looked into. The District Collector, Tiruppur District, is directed to oversee the permissions if at all granted by the subordinate officials and should verify the legality of such permissions.



8. With these observations, the writ petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

- 1 The District Collector,
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Public Welfare Department cum Water
Resources Organisation,
Amaravathi Basin, A.R.P. Office,
Dharapuram, Tiruppur District.

+1CC to Mr.K.Myilsamy, Advocate, SR.No. 48876
+1CC to The Government Pleader, SR.No. 49787

WP No.32800 of 2016

PMK(CO)
B.VC (20/10/2021)