



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.37158 OF 2016

G.Senthilnathan

... Petitioner

.Vs.

1. The District Collector,
Erode District.
2. The Executive Engineer (Irrigation),
Public Works Department (WB),
Gobichettipalayam,
Erode District.
3. The Tahsildar,
Gobichettipalayam,
Erode District.
4. R.Prabakaran
5. V.Baskaran
6. Tamilselvan

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 22.12.2015 to prevent the respondents 4 to 6 from illegally taking water from the PWD Koppu Channel through R.S.No.213/1A1 and to remove the underground pipelines.

For Petitioner : Mr.I.C.Vasudevan

For Respondents-1 to 3 : Mr.C.Kathiravan,
Government Advocate

For Respondents-4 to 6 : Mr.V.P.K.Gowtham



O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider the petitioner's representation dated 22.12.2015 to prevent the respondents 4 to 6 from illegally taking water from the PWD Koppu Channel through R.S.No.213/1A1 and to remove the underground pipelines.

2. Extraction of water from the Canal for irrigation or for any other purposes without getting proper permission from the Government is an offence.

3. Illegal extraction of water by laying pipelines amounts to theft and the offenders are to be prosecuted by registering criminal case.

4. The petitioner seeks the relief in respect of the illegal extraction of water from the PWD Koppu Canal and further sought for a direction to remove the underground pipelines.

5. This being the allegations raised by the petitioner, the Authorities Competent are bound to conduct an inspection and take all necessary actions to prevent such illegal extraction of canal water or river water or otherwise.

6. There are many such complaints across the State of Tamil Nadu that the water from rivers, ponds etc., are extracted without getting proper permission from the Authorities Competent and by laying pipelines for irrigation purposes and for other purposes.

7. This being the nature of the complaint, the respondents 1 to 3 are directed to conduct an inspection in respect of all such illegal extraction of Canal Water and initiate appropriation action, if any such illegality is identified. The said inspection is directed to be conducted, within a period of four weeks from the date of receipt of a copy of this order.

8. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The District Collector,
Erode District.

2. The Executive Engineer (Irrigation),
Public Works Department (WB),
Gobichettipalayam,
Erode District.

3. The Tahsildar,
Gobichettipalayam,
Erode District.

+1cc to the Government Pleader, S.R.No.49772

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SR-II(CO)
PBS/06/10/2021