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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.22770 to 22774 of 2014
and
M.P.Nos.1 of 2014 (5)

Kirubakaran	...Petitioner in WP/22770 of 2014
V.Aadhi	...Petitioner in WP/22771 of 2014
Santhanam	...Petitioner in WP/22772 of 2014
S.Ranganathan	...Petitioner in WP/22773 of 2014
C.Subramani	...Petitioner in WP/22774 of 2014

Vs.

1.The Secretary,
Public Works Department,
Government of Tamilnadu
Fort St. George, Chennai 600 009.

2.The District Collector,
Kanchipuram,
Kanchipuram District.

3.The Tahsildar
Sriperumbudur,
Kanchipuram District

...Respondents

Prayer in W.P.Nos.22770, 22771, 22773 & 22774 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to conduct the election of Managing Committee of Somangalam Lake User's association in a fair and transparent manner by following due procedure of law by allowing the petitioner to contest the post of 'Member of Territorial Committee' in the Managing Committee of Somangalam Lake User's Association as per the petitioners' nomination dated 11.08.2014 after allotting them separate symbol.

Prayer in W.P.No.22772 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to conduct the election



of Managing Committee of Somangalam Lake User's association in a fair and transparent manner by following due procedure of law by allowing the petitioner to contest the post of 'President' of the Managing Committee of Somangalam Lake User's Association as per the petitioner's nomination dated 11.08.2014 after allotting him separate symbol.

For Petitioner : Mr.P.Balamurugan
(in all WPs)

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

C O M M O N O R D E R

The relief sought for in the present Writ Petitions is to direct the 2nd respondent to conduct the election of Managing Committee of Somangalam Lake User's association in a fair and transparent manner by following due procedure of law by allowing the petitioners to contest the posts of 'President' and 'Member of Territorial Committee' of the Managing Committee of Somangalam Lake User's Association as per the petitioners' nomination dated 11.08.2014 after allotting them separate symbol.

2.The learned counsel appearing on behalf of the petitioners 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 eminent for the purpose of regulating the supply of water for irrigation and other purposes.

3. In view of the significance, in a connected matter, namely, W.P.Nos.888 & 1953 of 2015, 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.

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 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



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Regional Chief Engineers have addressed to finalize the form IX notification by January 2022. An Election schedule has been sent to the Government 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 filed a sworn affidavit that the election 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 petitioners in these writ petitions. By recording the sworn affidavit filed on behalf of the respondents, 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(CS-VIII)

//True Copy//

Sub Assistant Registrar

kan/shr

To
1. The Secretary,
Public Works Department,
Government of Tamilnadu
Fort St. George, Chennai 600 009.



2. The District Collector,
Kanchipuram,
Kanchipuram District.

3. The Tahsildar
Sriperumbudur,
Kanchipuram District

+1cc to the Government Pleader, S.R.No.61997

W.P.Nos.22770 to 22774 of 2014
and
M.P.Nos.1 of 2014 (5)

CP (CO)
RGA (10/12/2021)