



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.6794 of 2017

Maniarasu

...Petitioner

..Vs..

1. The Government of Tamilnadu,
Represented by its Secretary to Government,
Public Welfare Department,
Fort St.George, Chennai - 600 009.

2. The District Collector,
Collectorate Office, Tiruppur District,
Tiruppur.

3. The Revenue Divisional Officer,
Taluk Office Complex, Udumalpet, Tiruppur.

4. The Tahsildar,
Udumalpet Taluk, Tiruppur District.

5. The Superintendent Engineer,
TANGEDCO, Udumalpet Taluk,
Tiruppur District.

6. The Assistant Administrative Engineer,
Tamilnadu Water Supply and Drainage Board,
Underground Drainage Scheme Sub Division,
Udumalpet, Tiruppur District.

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 31.05.2016.

For Petitioner : M/S.T.L.Thirumalaisamy
For R1 to R4 : Mrs.C.Meera Arumugam
Additional Government Pleader

For R5 : Mr.L.Jai Venkatesh
Standing Counsel

For R6 : M/S.S.Shahila Banu



WEB COPY

O R D E R

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent to consider his representation dated 31.05.2016.

2. The case of the petitioner is that the petitioner owned certain agricultural land in Kurunjeri village. The primary source of livelihood of the petitioner is agriculture. There are around 500 acres of agricultural lands put together in six villages viz., Eripalayam, Kurunjeri, Pukkulam, Sundakkampalayam, Ponneri and Sinnaveerampatti. The above said six villagers were totally depending upon the water supply from a channel namely, Rajavaikkal for agricultural purpose. Another name of Rajavaikkal is also called as Upparu Odai. When the petitioner along with the other villagers carrying their agricultural activities with the water available in the Rajavaikkal, some of the outsiders were interfering and diverting the water supply and supplying the same to the nearby town for commercial activities. If this would continue, the interest of the petitioner will get affected severely and they will not be in a position to carry on their agricultural activities in their agricultural lands. Hence, the petitioner made a representation on 31.05.2016. Since no action is forthcoming despite the representation, the petitioner has come forward with the present Writ Petition.

3. The petitioner and other villagers are carrying on agricultural activities by drawing the water available in Rajavaikkal and certainly the outsiders are not entitled to draw the water from the said Rajavaikkal, for the purpose of selling the same for commercial activities. Therefore, this Court is of the view that the petitioner's grievance needs to be addressed by the respondents by way of disposing of the petitioner's representation dated 31.05.2016.

4. Accordingly, this Court directs the 2nd respondent to consider the petitioner's representation dated 31.05.2016 and pass appropriate orders to forbear the outsiders to draw water from Rajavaikkal and to sell the same for any commercial activities.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



jd/sp

To

1. The Secretary to Government,
Government of Tamilnadu,
Public Welfare Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Collectorate Office, Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Taluk Office Complex,
Udumalpet, Tiruppur.
4. The Tahsildar,
Udumalpet Taluk, Tiruppur District.
5. The Superintending Engineer,
TANGEDCO, Udumalpet Taluk,
Tiruppur District.
6. The Assistant Administrative Engineer,
Tamilnadu Water Supply and Drainage Board,
Underground Drainage Scheme Sub Division,
Udumalpet, Tiruppur District.

+1cc to M/S.T.L.Thirumalaisamy, Advocate, S.R.No.63292
+1cc to the Government Pleader, S.R.No.64035

W.P.No.6794 of 2017

CP[co]
NSK 29/12/2021