



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No.13724 of 2021

and

W.M.P.(MD) No.10652 of 2021

WEB COPY

Rajalingam

.. Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Executive Engineer,
Public Works Department (PWD),
Tenkasi,
Tenkasi District.
3. The Assistant Engineer,
Public Works Department,
Nanguneri,
Tirunelveli District.
4. The Executive Officer,
Kalakadu Town Panchayat,
Kalakadu,
Tirunelveli District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents more particularly the 2nd respondent to protect the water channel namely Vadamanerian which is very much useful for the water flow from Chidambarapuram Mountain to all agricultural fields of Salaipudur, Kovilammalpuram and Kuttuvan Kulam either by putting wall for the protection of the channel or by dropping the formation of Bye Pass Road over the water channel from Chidambarapuram Village to agricultural fields of nearby villages belonging to the entire village people whose are dependence of the water channel for irrigation of their agricultural fields.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.P.Thilak Kumar,

Standing Counsel for Government



ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the executive engineer, public works department at Tenkasi is indulging in some construction activity which has the effect of blocking a water channel and the receipt of the water by villagers holding agricultural plots downstream.

2.Mr.P.Thilak Kumar, learned Government Pleader, appears on behalf of the respondents.

3.This is not a case of a complaint against a private person. The complaint is against the Public Works Department itself.

4.Accordingly, the petitioner is permitted to carry a fresh, detailed representation indicating the apprehension of the petitioner and the matters complained of to the first respondent District Collector within a fortnight from date. The District Collector will inquire into the matter upon affording both the petitioner and the second respondent executive engineer an opportunity of hearing in the presence of each other. The speaking order of the Collector should be forwarded to all the persons likely to be affected thereby within ten weeks of the receipt of the petitioner's representation in terms of this order.

5.It is made clear that the merits of the allegations contained in the petition have not been gone into.

6.W.P(MD)No.13724 of 2021 is disposed of. W.M.P(MD)No.10652 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PS/SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hosevices.courts.gov.in/services>



To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Executive Engineer,
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Tenkasi,
Tenkasi District.
3. The Assistant Engineer,
Public Works Department,
Nanguneri,
Tirunelveli District.
4. The Executive Officer,
Kalakadu Town Panchayat,
Kalakadu,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-27155[F] dated 25/08/2021)

W.P. (MD) No.13724 of 2021
24.08.2021

ES (CO)
SB(02.09.2021) 3P 6C