



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.04.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

WEB COPY

**W.P (MD) No.6227 of 2014**

**and**

**M.P (MD) No.1 of 2014**

C.Nellaiappan,  
The President,  
Tirunelveli Nainarkulam Water Users Association,  
(Reg.No.TNN/37/2009),  
No.13/1D, North Street,  
Anandapuram,  
Thatchanallur Post,  
Tirunelveli District.

... Petitioner

-Vs-

1.The Secretary to the Government,  
Public Works Department,  
Secretariat,  
Chennai.

2.The District Collector,  
Tirunelveli District,  
Tirunelveli.

3.The Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Thamirabarani Basin Division,  
Tirunelveli District.

4.The Joint Commissioner,  
H.R & C.E Department,  
Tirunelveli.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to take over the administration of maintaining the Nainarkulam Tank, Tirunelveli including the fishery rights from the fourth respondent and further direct the third respondent to part with 50% of the auction amount paid already in connection with the accord of fishery rights at Nainarkulam Tank, Tirunelveli to the petitioner's Association after collecting the same from the fourth respondent in pursuance to the G.O(Ms) No.16, Public Works Department, dated 14.01.2011 within the time stipulated by this



Court.

For Petitioner : Mr.P.Samuel Gunasingh  
For RR 1 to 3 : Mr.M.Rajarajan  
Additional Government Pleader  
For R - 4 : Mr.K.P.Narayana Kumar  
Special Government Pleader

**ORDER**

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to take over the administration of the subject Tank including the fishery rights and pay 50% of the auction amount to the petitioner Association in order to maintain the Tank.

2.The learned counsel appearing for the petitioner submitted that the concerned Tank has already been taken control by the PWD and the same can be recorded by this Court. The learned counsel further submitted that the petitioner Association in their representation, dated 07.04.2014, had also sought for payment of 50% of the auction amount in order to maintain the Tank in line with G.O (Ms)No.16, dated 14.01.2011. The learned counsel submitted that this portion of the relief is yet to be considered by the third respondent.

3.Heard Mr.P.Samuel Gunasingh, learned counsel appearing for the petitioner; Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.K.P.Narayana Kumar, learned Special Government Pleader appearing for the fourth respondent.

4.Taking into consideration the facts and circumstances of the case and recording the submissions of the learned counsel for the petitioner, there shall be a direction to the third respondent to consider the representation made by the petitioner Association on 07.04.2014 and take a decision in line with G.O(Ms)No.16, dated 14.01.2011 and the current G.O, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the third respondent along with the copy of this order.



5.This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ( )

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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.

To

1.The Secretary to the Government,  
Public Works Department,  
Secretariat,  
Chennai.

2.The District Collector,  
Tirunelveli District,  
Tirunelveli.

3.The Executive Engineer,  
Public Works Department,  
Water Resources Organization,  
Thamirabarani Basin Division,  
Tirunelveli District.

4.The Joint Commissioner,  
H.R & C.E Department,  
Tirunelveli.

+1 CC to M/s.SPL GP ( SR-16309[F] dated 17/04/2021 )

+1 CC to M/s.SPL GP ( SR-16524[F] dated 19/04/2021 )

W.P (MD)No.6227 of 2014

16.04.2021

CN(07.05.2021) 3P 7C

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