



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3913 of 2022

T.Anand

... Petitioner

Vs

- 1.The District Collector,
Erode District, Erode.
- 2.The Director,
Town and Country Planning Department,
No.307, Anna Salai, Chennai.
- 3.The Deputy Director,
Directorate of Town and Country Planning Department,
Kasipalayam, Erode - 638 009,
Erode District.
- 4.The Joint Director,
Agricultural Department,
Thindal, Erode - 638 012,
Erode District.
- 5.The Tahsildar,
Modakurichi Taluk,
Modakurichi, Erode District.
- 6.The Executive Officer,
Avalpoondurai Town Panchayat,
Erode - 638 009. Erode District.
- 7.The Executive Engineer (WRO),
Public Works Department (LBP Project),
Erode.

8.Palaniappan

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to consider the representations of the petitioner dated 01.03.2021, 29.04.2021, 06.01.2022 and 20.01.2022 and remove the obstructions made in the channel of



Lower Bhavani Project (LBP) Canal by the 8th respondent in his land in S.No.347 of Avalpoonduraai Village, Modakurichi Taluk, Erode District and retain the water channel in its original position for free flow of irrigation to the petitioner's land.

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For Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondents: Mrs.Geetha Thamaraiselvan
Special Government Pleader
(for R1 to R5 & R7)

Mr.C.Sathish (for R6)

O R D E R

Mrs.GeethaThamaraiselvan, learned Special Government Pleader accepts notice for R1 to R5 and R7 and Mr.C.Sathish, learned Standing Counsel accepts notice for R6. Both learned counsel are armed with instructions to proceed with the matter finally at this juncture. Hence, by consent expressed by both learned counsel, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner prays for a mandamus as against the alleged action of R8, the private respondent, who has allegedly laid boundaries in the channel of the Lower Bhavani Project Canal, such that the flow of water to the agricultural land of the petitioner at S.No.319/2A1C and 319/2A1D, Avalpoondurai Village, Modakurichi Taluk, Erode District, stands interrupted.

3. The 8th respondent is a neighbour of the petitioner at S.No.347, Avalpoondurai Village, Modakurichi Taluk, Erode District. Despite the petitioner making several representations, viz., 01.03.2021, 29.04.2021, 06.01.2022 and 20.01.2022 seeking intervention of the official respondents to remove the obstruction placed by R8, there is no response. Since addressing the grievance of the petitioner would require assimilation and determination of facts, this matter is best left to the authorities to consider.

4. Mrs. Geetha would state that R4 is the appropriate authority to resolve the aforesaid dispute. Hence, a direction is issued to R4 to hear the petitioner as well as R8 and any other parties who may be thought necessary in this matter to consider the grievance of the petitioner and pass orders on merits, in accordance with law and all applicable rules and regulations, within a period of eight (8) weeks from today.



5. The Writ Petition is disposed as above. No costs.

Sd/-
Assistant Registrar (CS-II)

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//True Copy//

Sub Assistant Registrar

S1

To

- 1.The District Collector,
Erode District, Erode.
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No.307, Anna Salai, Chennai.
- 3.The Deputy Director,
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Erode District.
- 4.The Joint Director,
Agricultural Department,
Thindal, Erode - 638 012,
Erode District.
- 5.The Tahsildar,
Modakurichi Taluk,
Modakurichi, Erode District.
- 6.The Executive Officer,
Avalpoondurai Town Panchayat,
Erode - 638 009, Erode District.
- 7.The Executive Engineer (WRO),
Public Works Department (LBP Project),
Erode.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.12860
+1cc to the Government Pleader, S.R.No.13053

W.P.No.3913 of 2022

JP(CO)
SB(29/03/2022)