



W.P.No.32335 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.32335 of 2013
and M.P.No.2 of 2013 and 1 of 2014

Ozone Care Public Welfare Association,
Regd.No.162/2010
Rep by its President,
M.S.Gnana Janarthan

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works (W1) Department,
Fort St.George,
Chennai – 600 009.
- 2.The Secretary to Government,
Revenue Department, Fort St.George,
Chennai – 600 009.
- 3.The Secretary to Government,
Agriculture Department, Fort St.George,
Chennai – 600 009.
- 4.The District Collector,
Coimbatore District, Coimbatore – 18.
- 5.The District Collector,
Tiruppur District, Tiruppur – 641 604.
- 6.The Principal Chief Engineer,



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Public Works Department (W.R.O),
Chepauk, Chennai – 600 005.

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- 7.The Chief Engineer,
Public Works Department,
Water Resource Department,
Coimbatore Region,
Town Hall, Coimbatore – 1.
- 8.The Superintending Engineer,
Public Works Department,
Water Resource Department,
Parambikulam – Aliyar Basin Circle,
Pollachi – 3.
- 9.The Executive Engineer,
Public Works Department,
Water Resource Department,
Aliyar Basin Division,
Parambikulam – Aliyar Project,
Pollachi -3.
- 10.The Chief General Manager,
NABARD, No.48, Mahatma Gandhi Road,
Nungambakkam, Chennai – 34.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned G.O. passed by the first respondent in G.O.Ms.No.28, Public Works (W1) Department, dated 19.03.2013 and quash the same and consequently direct the respondents to include the petitioner association members land in the PAP scheme as ayacut lands.



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For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Ravichander,
Special Government Pleader

ORDER

The petitioner has filed this petition for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned G.O. passed by the first respondent in G.O.Ms.No.28, Public Works (W1) Department, dated 19.03.2013 and quash the same and consequently direct the respondents to include the petitioner association members land in the PAP scheme as Ayacut lands.

2. The case of the petitioner is that the petitioner is an association called Ozone Care Public Welfare, represented by its President. The said association was established with object to approach the Central and State Governments, seeking for declaration and establishment of special agricultural zones in all possible source bound localities, agricultural development and irrigation projects. The lands of the petitioner association members are situated in the catchment area of Parambikulam - Aliyar Project. When the Parambikulam - Aliyar Project was implemented in the year 1967, the land comprising of 2.50



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lakhs of acres from 37 Revenue Villages in Pollachi North Union, Polachi

Taluk were included as Ayacut lands under the said project and subsequently,

1.05 lakhs of acres and another 60,000 acres were included as Ayacut lands.

So far, the total extent of Ayacut lands for the said project comes around 4.21

lakhs of acres. Unfortunately, the villages of the petitioner association

members viz., Servaikaranpalayam, Puravipalayam, Vadakkipalayam,

Sulakkal, Mettupalayam and Devarayapuram were not included in the Ayacut

lands. For the past 45 years, the aforesaid villagers are not able to get water

for irrigation from the above said project. Hence, the members of the

petitioner association made a representation dated 03.10.2012 before the

respondents to include their non Ayacut lands in the Ayacut lands of

Parambikulam – Aliyar Project. However, no orders were passed. Hence, the

petitioner filed a writ petition before this Court in W.P.No.5887 of 2013 for

Mandamus and this Court by its order dated 03.10.2012, directed the

respondents therein to consider the petitioner's association lands as Ayacuts

and pass appropriate orders. However, without complying the above said

order, the first respondent issued a G.O.Ms.No.28, Public Works Department

dated 19.03.2013 for inclusion of 6060 acres of land with the Parambikular



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Aliyar Project Ayacut lands by way of sanctioning the amount of 8.10 crores for acquisition and work for linking of Parambikulam Aliyar Project system to Uppar canals and not included the petitioner association members land as Ayacut lands in the aforesaid project. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the long pending demand of members of petitioner association is to include their land as Ayacut lands in the Prambikulam Aliyar Project. However, without considering the long pending demand made by the petitioner association members, the first respondent issued a government order in G.O.Ms.No.28, Public Works (W1) Department, dated 19.03.2013 by including other lands under the Ayacut lands is not sustainable one and further submitted that the said order is passed without providing any opportunity of hearing to the petitioner association members. Accordingly, he prayed for allowing the writ petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



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5. The facts in the present case is not in dispute. Admittedly, the petitioner association members made repeated representations for inclusion of their lands as Ayacut lands in Parambikulam Aliyar Project and without considering the long pending repeated demand made by the petitioner's association, other 6060 acres of lands were included in the said project. Aggrieved by the same, the petitioner filed a writ petition. However, the grievance of petitioner association is not sustainable one for a simple reason that the members of the petitioner association have every right to ask to include their land in the Ayacut scheme. However, they do not have any rights to challenge the inclusion of other persons land. Moreover, the present Government Order is passed for inclusion of 6660 acres of land for the purpose of Parambikulam Aliyar Dam Project. Hence, the prayer sought in the writ petition cannot be granted.

6. Accordingly, this writ petition stands dismissed, however, this order will not stand on the petitioner association members to make a demand to the Government for inclusion of their land in the Ayacut scheme and further liberty is granted to the petitioner's association to work out their remedy in the manner



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known to law. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No

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