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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.11209 OF 2022

AND

WMP NOS.10782 AND 10783 OF 2022

1. M.Ramachandran
2. Kaliyan
3. Munusamy
4. K.Gurunathan

... Petitioners

Vs

1. The District Collector,
Kallakurichi District,
Kallakurichi.
2. The Block Development Officer,
Sankarapuram Panchayat Union,
Sankarapuram, Kallakurichi District.
3. The Tahsildar,
Sankarapuram Taluk,
Sankarapuram, Kallakurichi District.
4. The Village Administrative Officer,
Mookanur Revenue Village,
Mookanur, Sankarapuram Village,
Kallakurichi District.
5. The Assistant Executive Engineer,
Irrigation/WRO
Public Works Department,
Vellar Basin Sub Division,
Kallakurichi, Kallakurichi District.
6. The Assistant Engineer,
Irrigation/WRO
Public Works Department,
Sankarapuram, Kallakurichi District.



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7. The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram, Kallakurichi District.
8. Mr. Jayakumar
9. Mr. Jerald

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing respondents 1 to 7 to take appropriate action against respondents 8 and 9 and their agents for their illegal fishing activities and denial of water sharing in the Mookkanur Tank, situated at Mookkanur Village, Sankarapuram Taluk, Kallakurichi District and consequently direct respondents 1 to 7 to ensure the distribution of water sharing equally to the petitioners' agricultural lands, situated at lower field of Mookkanur Village, Sankarapuram Taluk, Kallakurichi District.

For Petitioner : Mr. R. Jothimanian

For Respondents : Mr. D. Ravichander
Special Government Pleader
- R1, R3, R4, R5, R6 & R7
Mr. M. Murali,
Government Advocate - R2 & R8

O R D E R

Mr. D. Ravichander, learned Special Government Pleader accepts notice for R1, R3, R4, R5, R6 & R7 and Mr. M. Murali, learned Government Advocate accepts notice for R2 & R8 and both are armed with instructions to proceed with the matter finally even at this juncture. In view of the order that is proposed to be passed, no notice is thought necessary to the private respondents, i.e., R8 and R9. Hence, by consent expressed by the learned counsel for the petitioner and the learned counsel for the official respondents, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioners claim to be agriculturists in Mookkanur Village, Sankarapuram Taluk, Kallakurichi District and own various tracts of agricultural lands, details of which are unnecessary for disposal of this Writ Petition. They seek a mandamus directing respondents 1 to 7, being various officials in Kallakurichi District, both in the Administrative and Police Department to take appropriate action against the private respondents, i.e., R8 and R9 for their activities of illegal



fishing and the denial of water from Mookkanur Tank to them and others and to ensure that there is equal distribution of water to all agricultural lands situated in the lower field of Mookkanur Panchayat.

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3. It appears that there are disputes for long as regards the illegal fishing and sharing of water. As early as on 31.12.2020, the Assistant Engineer, Public Works Department has addressed the Tahsildar, Village Administrative Officer and Inspector in Sankarapuram to initiate measures for control of such activities. He has suggested that regulatory action be taken and the villagers instructed accordingly in this regard.

4. The petitioners have earlier filed a Writ Petition in W.P.No.3407 of 2021 seeking similar mandamus as prayed for in this Writ Petition as against a different set of private respondents. This Court, vide order dated 22.02.2021 has granted an order of interim injunction taking note of letter dated 31.12.2020 referred to supra. The said Writ Petition is still pending.

5. The petitioners have made a representation on 03.01.2022 bringing to the notice of the authorities the very violation and allegations that have been made in this Writ Petition, despite which, there has been no action forthcoming to control and regulate the activities of the private respondents. Hence, this Writ Petition.

6. In light of the aforesaid narration of facts, the District Collector will depute a team within 48 hours from today to look into the allegations of encroachment, illegal fishing tender and unlawful diversion of water by the private respondents and bring the same in order forthwith. Mandamus as sought for is also issued, directing the District Collector to consider the representation of the petitioners as aforesaid in detail, hear them as well as the private respondents and any others thought necessary and dispose the same within a period of four (4) weeks from today.

7. This writ petition is disposed as above. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kallakurichi District,
Kallakurichi.
2. The Block Development Officer,
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Sankarapuram, Kallakurichi District.
3. The Tahsildar,
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7. The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram, Kallakurichi District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.30386

+1cc to the Government Pleader, S.R.No.30692

W.P.No.11209 of 2022
and WMP Nos.10782 and 10783 of 2022

RK(CO)
RLP(11/05/2022)