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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23165 and 23180 of 2014 and
M.P.No.1+1 of 2014

1. S.Jayalakshmi ... Petitioner in W.P.No.23165 of 2014
2. K.S.Ravindran ... Petitioner in W.P.No.23180 of 2014

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Chengalpattu Revenue Division,
Chengalpattu,
Kancheepuram District.
3. The Thasildhar,
Thirukazhukundram Taluk,
Kancheepuram District.
4. The Assistant Executive Engineer,
Public Works Department,
Irrigation & Water Resources,
Thirukazhukundram,
Kancheepuram District.
5. The Block Development Officer / Commissioner,
Panchayat Union Office,
Thirukazhukundram,
Kancheepuram District.
6. The Panchayat President,
Kadampadi Village Panchayat,
Thirukazhukundram Panchayat Union,
Kancheepuram District. ... Respondents in both W.P.s



Prayer in W.P.No.23165 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from closing or disturbing the existing irrigation canal in Survey Nos.161 and 162 of Kadampadi Village, Thirukazhukkundram Taluk, Kancheepuram District and consequently direct the respondent 1 & 2 and 4 to provide irrigation canal water to petitioner agricultural land for protecting livelihood by considering petitioner's representation dated 27.06.2014 and 08.07.2014.

Prayer in W.P.No.23180 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from closing or disturbing the existing irrigation canal in Survey Nos.161 and 162 of Kadampadi Village, Thirukazhukkundram Taluk, Kancheepuram District and consequently direct the respondent 1 & 2 and 4 to provide irrigation canal water to petitioner's agricultural land for protecting livelihood by considering petitioner's representation dated 08.07.2014.

For Petitioners in both W.P.s:M/s.K.Balu

For Respondents in
W.P.No.23165 of 2014 :Mr.Yogesh Kannadasan
Special Government Pleader

For Respondents in
W.P.No.23180 of 2014 :Mr.R.P.Murugan Raja
Government Advocate

C O M M O N O R D E R

Since the issue involved in these Writ Petitions is one and the same, they are disposed of by way of this common order.

2. The case of the petitioners is that, the petitioners are agriculturists and were cultivating in their respective agricultural lands situated at Kadampadi Village, Kancheepuram District for their livelihood. While that being so, Survey Nos.161 and 162 were used as "canal" for drawing water from Periyeri by the agriculturists for irrigation. On 01.07.2014, the 5th respondent herein issued a tender notification stating that the said survey numbers are going to be acquired for formation of WBM Road and taking advantage of the said tender notice, the 6th respondent, denied the irrigation to the petitioners lands by closing the said canal. While so, the petitioners made representations to the respondents 1 to 4 dated



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27.06.2014 and 08.07.2014 to consider the grievance of the petitioners by restoring the "canal" back to the petitioners for the purpose of cultivation. Since the respondents 1 to 4 have not acceded to the petitioners representations, they have filed the present Writ Petition.

3. Though very many grounds have been raised in the Writ Petition, learned counsel for the petitioners submitted that it would suffice if this Court issues direction to the respondents 1, 2 and 4 to consider the representations of the petitioners dated 27.06.2014 and 08.07.2014 and dispose of the same within a time frame that may be fixed by this Court.

4. The learned Additional Government Pleader and learned Government Advocate appearing on behalf of the respondents in the respective Writ Petitions submitted, by relying upon the counter affidavit of the fourth respondent that, the respondents have no idea to disturb the cultivation done by the petitioners or to block the existing irrigation channel passing through S.Nos.161 and 162 of Kadampadi Village. The relevant portion in the counter affidavit are extracted hereunder:

"6. I submit that the Notice has been issued to the Thirukalukundram Block Development Officer and Kadampadi Panchayat President from the Public Works Department, not to disturb or close the existing irrigation field channel passing through S.F.Nos.161 & 162 of Kadampadi Village."

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Recording the fair submission made by the learned Special Government Pleader and learned Government Advocate appearing for respondents and the above extracted content of the counter affidavit of the fourth respondent, these Writ Petition are closed. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



rap/tri
To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Chengalpattu Revenue Division,
Chengalpattu,
Kancheepuram District.
3. The Thasildhar,
Thirukazhukundram Taluk,
Kancheepuram District.
4. The Assistant Executive Engineer,
Public Works Department,
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Thirukazhukundram,
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5. The Block Development Officer / Commissioner,
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6. The Panchayat President,
Kadampadi Village Panchayat,
Thirukazhukundram Panchayat Union,
Kancheepuram District.

+2cc to Mr.K.Balu, Advocate Sr.22447,22449
+1cc to the Government Pleader sr.22208, 22694

W.P.Nos.23165 and 23180 of 2014

rsv[co]
srg 22/04/2022