



WEB COPY



W.P.No.28339 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28339 of 2022

1. Manthiri

S/o Chinnapaiyan

2. Mayavan

S/o Seerangan

.. Petitioners

v.

1. The District Collector

Salem District

Salem

2. The Chief Executive Engineer

Public Works Department

Chepauk

Chennai 600 005

3. The Chief Engineer

Water Resources Department

Operation & Maintenance

Trichy



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4. The Assistant Chief Engineer
Public Works Department
Water Sources Department
Operation & Maintenance
Mettur
Trichy (Canal Division, Kullampatti)

5. Mani
S/o Ramasamy

6. Sadayan
S/o Perumal

7. Saravanan
S/o Perumal

8. Balakrishnan
S/o Perumal

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to pass orders on the petitioners' representation dated 26.08.2022 to restore the canal at Kaveripatti Agraharam Village, Sangagiri Division, Salem District within a stipulated period fixed by this Hon'ble Court.

For Petitioners :: Mr.S.Parthasarathy

For Respondents :: Mrs.R.Anitha
Special Government Pleader
for R1 to R4



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ORDER

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Mr.Manthiri, S/o Chinnapaiyan and Mr.Mayavan, S/o Seerangan have jointly filed this writ petition seeking for issuance of a mandamus to the respondents 1 to 4 to consider and pass orders on their representation dated 26.08.2022, wherein they have made a request to restore the canal situated at Kaveripatti Agraharam Village, Sangagiri Division, Salem District.

2. Heard the learned counsel appearing for the parties.

3. According to the petitioners, the first petitioner is the owner of the land in Survey No.96 having an extent of 26 Hectares and the second petitioner is the owner of the land having an extent of 54 Hectares in Survey Nos.123/6, 125/2D2, 125/2H, 31/6 and 31/7 at Kaveripatti Agraharam Village, Sangagiri Division, Salem District. They are also having land in Survey No.124 to an extent of 4 acres. As the petitioners and other villagers are doing agricultural activities in their respective lands, the water source



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for the petitioners' lands is only from Mettur Dam, which passes through Mettur South Canal and then gets separated to branch canal and thereafter passes through the sub canal and the passage canal constructed by the respondents in the year 1955 and finally it reaches the lands belonging to the farmers. The respondents 5 to 8, being real estate owners, have demolished the said canal passage and tried to lay a road to reach their lands. As the petitioners are using the said concrete passage canal for the past 60 years, due to the highhanded act of the respondents 5 to 8, the canal has been demolished. When the said act was questioned, problem has arisen. Finally a representation has been given on 26.08.2022 to the respondents 1 to 4 to restore the concrete canal passage to an extent of 1500 meters and 5 feet breadth. As there was no response, the petitioners have come to this Court.

4. Mrs.R.Anitha, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the canal passage has been restored back. Even the petitioners also were responsible for damaging the water



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canal, for which action also has been taken by registering a police complaint. In any event, since the water passage canal has been restored back to its original position, after the rainy season is over, pucca concrete canal will be laid after getting sanction from the concerned authorities.

5. Since the learned Special Government Pleader appearing for the respondents 1 to 4 has stated that the water canal in question has been restored back to its original position, as prayed for by the petitioners, placing on record her statement that a pucca concrete canal will be laid after the rainy season is over, the writ petition stands disposed of accordingly. However, there is no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

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