



W.P.No.11604 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.11604 of 2017

and

W.M.P.Nos.12615 & 34634 of 2017

M.V.Pichaimani

... Petitioner

Vs

1.Head Master,
Government High School,
Vellur Village, Via Santhavasal,
Polur Taluk, Thiruvannamalai District.

2.Chief Educational Officer,
Government of Tamil Nadu,
Thiruvannamalai District.

3.Government of Tamil Nadu,
Represented by its Secretary,
Education Department,
Secretariat, Chennai - 600 009.

4.Sasi Kumar

5.G.Saminathan

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first to third respondents to take immediate precautions and not obstruct the free flow of water to the petitioner's fields in S.No.513/1A, 513/3A, 494/1A and 494/1B in Vellur Village as per the representation of the petitioner dated 19.09.2016.

For Petitioner : Mr.T.M.Kannan

For Respondents :
For R1 to R3 : Mr.R.Neethi Perumal
Government Advocate

For R4 & R5 : No appearance

ORDER

There is no counter affidavit on behalf of the respondents.

2. This Writ Petition has been filed for a Mandamus, to direct the first to third respondents to take immediate precautions and not obstruct the free flow of water to the petitioner's fields in S.No.513/1A, 513/3A, 494/1A and 494/1B in Vellur Village as per the representation of the petitioner dated 19.09.2016.

3. The specific case of the petitioner is that the petitioner has gifted a portion of his land in S.No.513/3A to the official respondents herein for construction of High School. However, while putting up construction, the contractor appointed by the second respondent had obstructed the free flow of



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water to the petitioner's agricultural field, as a result of which, the petitioner is being inconvenienced. He has further submits that the petitioner sent a representation and a reply was received from the Educational Department on the petitioner's representation dated 09.05.2016, 09.06.2016 and 21.07.2016, which confirms that the contractor was advised to not to disturb the water canal passed into his land.

4. It appears that the petitioner was subsequently digging up the water canal for carrying into the other fields, which was obstructed by the contractor appointed by the official respondents herein.

5. Though the first respondent in his proceedings dated 24.03.2017 bearing Ref.Na.Ka.No.160/2017 had enclosed a copy of the letter addressed by the Assistant District Planning Co-ordinator, Tiruvannamalai to the second respondent the Chief Educational Officer which states that the petitioner's complaint are false and that the free flow of water in the canal carrying water to the petitioner's fields are available, the second respondent was supposed to enclose the photographs substantiating his reply which has not been sent to the petitioner.



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6. There are several disputed questions of fact involved herein. If the watercourse has been disturbed on account of the construction of the School on the land which was gifted by the petitioner to the official respondents, the official respondents are duty bound to ensure that the petitioner is not put to any inconvenience.

7. Considering the fact that the petitioner's representation dated 19.09.2016 has not received a proper attention in the hands of the official respondents, I am inclined to order writ of mandamus, to direct the first to third respondents/official respondents to consider the petitioner's representation dated 19.09.2016 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

13.10.2022

Index: Yes/No
Speaking/Non-Speaking Order

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WEB COPY

To

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- 3.The Secretary,
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Secretariat, Chennai - 600 009.



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C.SARAVANAN, J.

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