



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4102 of 2022

D.Shanmugam

.. Petitioner

Vs

1.The District Collector,
Karur, Karur District.

2.The Supervising Engineer,
Tamilnadu Electricity Board (TNEB),
Karur, Karur District.

3.The Executive Engineer,
Water Resources Development,
Public Works Department,
Lower Bhavani Basin Division,
Konavaikkaal, Erode.

4.The Revenue Divisional Officer,
Karur, Karur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 22.12.2020 and pass orders in accordance with law.

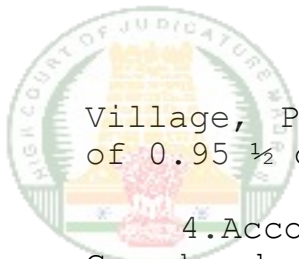
For Petitioner : Mr.D.Balachandran
For Respondents : Mr.M.Lingadurai for RR1,3 & 4,
Additional Government Pleader
Mr.S.Deenadayalan for R2
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation, dated 22.12.2020 and pass final orders, within a time frame to be fixed by this Court.

2.Heard Mr.D.Balachandran, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1,3 and 4 and Mr.S.Deenadayalan, learned Standing Counsel, who accepts notice on behalf of the 2nd respondent .

3.It is the case of the petitioner that his grandfather was the absolute owner of the lands comprised in S.F.Nos.96 and 97 in Anjur



Village, Pandilingapuram Post, Karur District, measuring an extent of 0.95 ½ cents, which is situated near the Noyyal River.

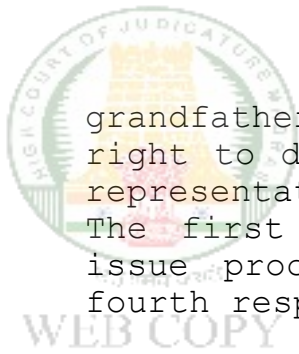
4. According to the petitioner, his grandfather C.Palanisamy Gounder had got permission to take water from the Noyyal River for irrigation vide G.O.Ms.No.2201, Public Works Department, dated 30.10.1984. According to the petitioner, after the demise of his grandfather, his father Duraisamy, was irrigating the said lands, after getting proper permission from the District Collector, Karur District.

5. According to the petitioner, after the death of his father Duraisamy, he has also been using the water from Noyyal River for irrigation purpose along with his sister. The petitioner has requested for change of names in the records, so that the petitioner and his sister may be granted permission to draw water from Noyyal River for irrigation purposes in place of their grandfather C.Palanisamy and their father Duraisamy, who had earlier got permission under G.O.Ms.No.2201, Public Works Department, dated 30.10.1984.

6. According to the petitioner, he has submitted the Legal Heirship Certificate, Death Certificate of their predecessors and all other necessary documents for the purpose of changing their names in the records maintained by the respondents with regard to the permission granted earlier for drawing water from Noyyal River for irrigation. According to the petitioner, the said documents were enclosed along with his representation, dated 22.12.2020. Since the representation has not been considered till date, he has filed this writ petition.

7. It is also stated that the first respondent by his proceedings, dated 13.07.2021, directed the second and fourth respondents to take action on the petitioner's representation and directed them to send a proposal after considering the possibilities to the Office of District Collector, Karur District, immediately. According to the petitioner, even though the first respondent directed the second to fourth respondents to take action on the petitioner's representation, dated 22.12.2020, no final orders have been passed on the petitioner's representation. In such circumstances, he has filed this writ petition.

8. The petitioner has filed G.O.Ms.No.2201, Public Works Department, dated 30.10.1984, as well as the permission granted to the petitioner's grandfather, dated 26.05.1997, to draw water, based on the aforementioned Government Order. The petitioner has also enclosed the documents to show that he is one of the legal heir of the deceased grandfather. He claims that he and his sister are entitled to draw water from the Noyyal River, based on the permission granted to the petitioner's grandfather earlier and his father. Since both his father and his



grandfather are no more, the petitioner and other legal heirs claim right to draw water from Noyyal River. The petitioner has given a representation to that effect on 22.12.2020, to the respondents. The first respondent has also acted upon the representation and issue proceedings, dated 13.07.2021, calling upon the second to fourth respondents to act upon the representation of the petitioner.

9.No prejudice will be caused to the first respondent, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the first respondent deems fit to enquire.

10.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 22.12.2020, seeking for transfer of permission in his name and his sister's name for drawing water from Noyyal River, based on G.O.Ms.No.2201, Public Works Department, dated 30.10.1984, and the permission earlier granted in the name of his grandfather on 26.05.1997 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the first respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

11.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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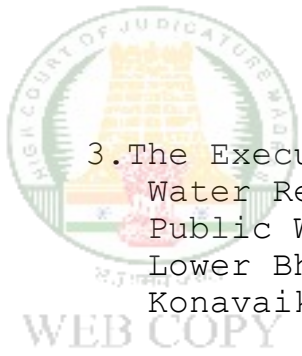
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Collector,
Karur, Karur District.

2.The Supervising Engineer,
Tamilnadu Electricity Board (TNEB),
Karur, Karur District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Executive Engineer,
Water Resources Development,
Public Works Department,
Lower Bhavani Basin Division,
Konavaikkaal, Erode.

4.The Revenue Divisional Officer,
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+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-11347[F] dated
10/03/2022)

+1 CC to M/s.D.BALACHANDRAN, Advocate (SR-10634[F] dated 08/03/2022
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+1 CC to M/s.SPL GP (SR-11167[F] dated 10/03/2022)

W.P. (MD)No.4102 of 2022
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