



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6398 of 2022

and

W.M.P.[MD]No.4986 of 2022

WEB COPY

D.Rajalingam

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
St. Fort George,
Chennai - 600 009.

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The Tahsildar,
Taluk Office,
Nanguneri,
Tirunelveli District.

4.The Village Administrative Officer,
Kalakaadu (i),
Tirunelveli District - 627 501.

5.G.Selvin

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take immediate action to ascertain free flow of irrigation water in the irrigation channel abutting S.No.289 situated at Kalakaadu Village, Nanguneri Taluk, Tirunelveli District thereby assuring irrigation to the lands of the petitioner comprised in S.Nos.287, 290 and 291 of Kalakaadu Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.M.V.Venkataseshan

For Respondents 1 to 4 : Mr.D.Sasikumar

Additional Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to take immediate action to get free flow of irrigation water in the irrigation channel abutting S.No.289 situated at Kalakaadu Village, Nanguneri Taluk, Tirunelveli District thereby assuring irrigation to the lands of the petitioner comprised in S.Nos.287, 290 and 291 of Kalakaadu Village, Nanguneri Taluk, Tirunelveli District.

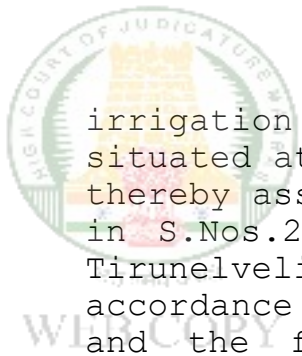
2.Heard Mr.M.V.Venkataseshan, learned Counsel appearing for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

3.At the outset, learned Counsel for the petitioner would submit that the petitioner is satisfied if the petitioner's representation is considered on merits and in accordance with law. According to the petitioner, due to the construction put up by the fifth respondent, the free flow of irrigation water in the irrigation channel abutting S.No.289 situated at Kalakaadu Village, Nanguneri Taluk, Tirunelveli District, is affected. The petitioner claims that he is the owner of the agricultural lands comprised in S.Nos.287, 290 and 291 of Kalakaadu Village, Nanguneri Taluk, Tirunelveli District. According to the petitioner, he is utilising the irrigation channels for his agricultural purposes. He has given a representation on 16.03.2022, requesting the official respondents to ensure free flow of water in the aforementioned irrigation channel and take action against the fifth respondent for blocking the free flow of water. The said representation has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

4.The petitioner has filed photographs of the subject irrigation channel. In the photographs, there is a construction which seems to have blocked the free flow of water through the irrigation channel. The petitioner has given a representation on 16.03.2022 requesting the official respondents to ensure free flow of water in the irrigation channel and also take action against the fifth respondent who has put up the construction blocking the free flow of water.

5.No prejudice would be caused to the official respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent within a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 16.03.2022, requesting the third respondent to ensure free flow of



irrigation water in the irrigation channel abutting S.No.289 situated at Kalakaadu Village, Nanguneri Taluk, Tirunelveli District thereby assuring irrigation to the lands of the petitioner comprised in S.Nos.287, 290 and 291 of Kalakaadu Village, Nanguneri Taluk, Tirunelveli District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth respondent including granting him the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

MR

To

1.The Secretary to Government,
Revenue Department,
St. Fort George,
Chennai - 600 009.

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The Tahsildar,
Taluk Office,
Nanguneri,
Tirunelveli District.

+1 CC to M/s.M.V. VENKATASESHAN, Advocate (SR-17605[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17534[F] dated 08/04/2022)

W.P. [MD]No.6398 of 2022

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MGJ(19.04.2022) 3P 6C