



W.P(MD)No.1219 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1219 of 2019

V.Muruges Pillai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
Water Resources Organisation,
Fort St.George,
Chennai-600 009.

2.The Commissioner cum the Special Commissioner and
Commissioner of Revenue Administration-
Disaster Management and Mitigation,
Chennai-600005.

3.The District Collector,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to prepare fresh voters list for the Water Users Associations in Kanyakumari District before conducting the next election under the Tamil Nadu Farmers Management of Irrigation Systems Act, 2000.



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For Petitioner : Mr.C.T.Perumal
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. All that the petitioner wants is that the voters list of the Waters Users Associations in Kanyakumari District must be properly prepared.

3. No exception can be taken to the said request. Tamil Nadu Act 7 of 2001 was enacted to provide for farmers participation in the Management of Irrigation Systems and for matters connected therewith. The statute contemplates formation of Water Users Association. Section 4(2) of Tamil Nadu Farmer's Management of Irrigation System Act, 2000, is as follows:-

“4(2). Every Water Users Association shall consist of all the water users in such Water Users Association area, as members:

Provided that any person, who is in lawful possession and enjoyment of any land may on proof of such possession and such enjoyment in a crop year, claim membership, notwithstanding whether he is a recorded land holder or not. In which case the Water Users Association shall not refuse the membership of such person for the purposes of this Act and such person shall be liable to pay the fees, as if he is the water user:

Provided further that any person who is eligible to become a member of more than one territorial constituency of a Water Users Association shall be entitled to be a member of only one territorial constituency at his option.”



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4. The third respondent is directed to ensure that all the Water Users in a given area are shown as members of the respective Water Users Association. I am conscious that this is an on-going exercise. The third respondent must ensure that the deceased members are deleted from the voters list. All the ayacutdhars must find place in the list. It should be specifically verified if the names of the ayacutdhars are also duly reflected in the revenue records.

5. The Writ Petition is disposed of accordingly. No costs.

08.12.2022

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.



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