



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Sixth day of October Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.KUMARESH BABU

WMP(MD) No.17383 of 2022
in
W.P. (MD) No.23294 of 2022

K.SHEIK ABDULLA

... PETITIONER/PETITIONER

Vs

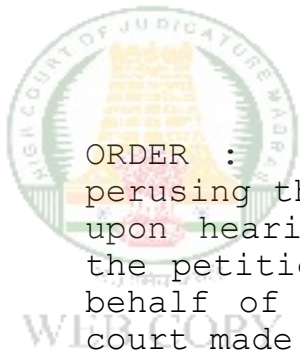
1. THE DISTRICT COLLECTOR
THENI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER/RETURNING OFFICER,
PERIYAKULAM, THENI DISTRICT.
3. THE THASILDHAR/ASSISTANT RETURNING OFFICER,
PERIYAKULAM TALUK, THENI DISTRICT.
4. THE EXECUTIVE ENGINEER (P.W.D.), (W.R.O),
MANJALAR BASIN DIVISION,
PERIYAKULAM,
THENI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an INTERIM INJUNCTION restraining the 1st respondent from conducting the election for the post of president and committee members to the Manjalar Right Side Canale-1, Village Water Users Association, pending disposal of the Writ Petition.

Prayer in WP(MD) . 23294/2022 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from conducting election for the post of president and committee members to the Manjalar Right Side Canale-1, Village Water Users Association, Schedule to be held on 08.10.2022 or any other date, without prepare the fresh electoral list of the said association after making deletion of the dead person and adding of landholders in the said Ayacut as Under Rule 4 of the Tamil Nadu Farmers Management of irrigation Rules and to pass such further or other orders as this Hon'ble Court.



ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SURIYANARAYANAN.R, Advocate for the petitioner and of MR.D.GANDHIRAJ, Special Government Pleader on behalf of the Respondents, while admitting the Writ Petition, the court made the following order:-

Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents.

2. This writ petition has been filed challenging the election for the post of President and Committee Members to the Manjalar Right Side Canal - 1, Village Water Users Association, scheduled to be held on 08.10.2022.

3. The case of the petitioner is that he owns the land, which gets benefitted from the Manjalar Right Side Canal and statutorily, he would also be a member of the said association. However, his name has not been included and the names of certain death persons have been included.

4. The learned counsel appearing for the petitioner would contend that the petitioner submitted a representation on 29.09.2022 before the Tahsildhar, the third respondent herein, which has not been considered and he has also submitted another representation on 03.10.2022 to the first respondent herein espousing his cause of revamping the voters list.

5. Countering his argument, the learned Special Government Pleader appearing for the respondents would submit that the voters list was prepared in the month of August, 2022 and was affixed in the notice board in the office of the first respondent and the same was also published in the official gazette on 06.09.2022. Even election notification was issued earlier and the nomination date for filing nominations was fixed on 23.09.2022. If the petitioner is a diligent person, he would have approached this Court earlier and made an objection to the District Collector very much earlier. He would further submit that by the said notification, election is scheduled to be held for various Water Users Associations in Theni District and hence, he prayed this Court not to grant any interim order as sought for in the writ miscellaneous petition.

6. I have considered the arguments made by the learned counsel on either side.

7. It is an admitted case that the election notification had been issued much prior to 23.09.2022 and if the petitioner had been diligent enough, he should have approached this Court much earlier, not at the last moment. Hence, the application seeking for grant of



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an interim injunction in WMP(MD)No.17383 of 2022 is : 1.
However, election scheduled to be held on 08.10.2022 for Manjalar
Right Side Canal - 1, Village Water Users Association, will be
subject to the result of this writ petition.

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sd/-
06/10/2022

/ TRUE COPY /

/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT COLLECTOR
THENI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER/RETURNING OFFICER,
PERIYAKULAM, THENI DISTRICT.
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ORDER IN
WMP(MD) No.17383 of 2022
in
W.P.(MD)No.23294 of 2022
Date :06/10/2022

sm/ta
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