



W.P.(MD)No.24810 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24810 of 2022

and

W.M.P.(MD)Nos.18890 and 18891 of 2022

S.Marimuthu

.. Petitioner

Versus

- 1.The District Collector,
O/o. the District Collector,
Virudhunagar District.
- 2.The District Collector,
O/o. the District Collector,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Aruppukkottai Revenue Division,
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District.
- 5.The Superintendent Engineer,
Irrigation and Water Resource Department,
Sivagangai District.
- 6.The Assistant Engineer,
Public Works Department,
Manamadurai,
Sivagangai District.



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7.The Assistant Engineer, WRD.,
Irrigation Section,
Manamadurai,
Sivagangai District.

8.P.Suthanthirapandi

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No.A2/260/2022, dated 20.10.2022, on the file of the third respondent, quash the same as illegal and consequently, direct the respondents 2 and 4 to protect the Arasakulam Kanmoi, situated in S.No.202, Arasakulam Village, Senthattiyenthal Revenue Village, Manamadurai Taluk, Sivagangai District, as per Resolution dated 06.12.1992 of the fourth respondent and 29.08.2022 of the seventh respondent and consider the representation dated 26.10.2022.

For Petitioner : Mr.R.Santhanam

For Respondents 1 to 7 : Mr.D.Gandhiraj
Special Government Pleader

For 8th Respondent : Mr.S.P.Naveenkumar

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings of the third respondent in Na.Ka.No.A2/260/2022, dated 20.10.2022, and consequently, direct the respondents 2 and 4 to protect the Arasakulam Kanmoi, situated in S.No.202, Arasakulam Village, Senthattiyenthal Revenue Village, Manamadurai Taluk, Sivagangai District, as per Resolutions of the respondents 4 and 7, dated



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06.12.1992 and 29.08.2022 respectively, by considering the petitioner's representation, dated 26.10.2022.

2. Heard Mr.R.Santhanam, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 to 7 and Mr.S.P.Naveenkumar, who takes notice for the eighth respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is doing agriculture in the irrigation limit of Arasakulam Tank, Senthettiyenthal Revenue Village, Manamadurai Taluk, Sivagangai District and the entire Village people are depending upon the Arasakulam Tank for drinking water, agriculture and cattle rearing etc. There is no other source of water and irrigation facility to the Arasakulam Village. Further, there is a problem in respect of water of Arasakulam Tank between the people of Arasakulam and Mannarmudiyenthal, Erunchirai Revenue Village, Thiruchuli Taluk, Virudhunagar District. The fourth respondent herein in order to solve the problem between the two Villages, constituted a peace committee and passed a resolution that the Mannarmudiyenthal Ryots are not having any right to take water from the Arasakulam Tank, vide his proceedings, dated 06.12.1992.



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4.Further, according to the petitioner, the Mannarmudiyenthal Ryots tried to take water from the Arasakulam Tank by break open the tank bund on 08.11.2021 illegally. Immediately, it was informed to the Public Works Department authorities and the Police Department and the break open place was closed. Thereafter, the eighth respondent herein, who is a resident of Mannarmudiyenthal, filed W.P.(MD)No.20708 of 2022 before this Court, praying not to permit anybody to increase the height, length and width of the Arasakulam Kanmoi and thereby, blocking/preventing the free flow of the water of the source channel of Mannar Mudiyaenthal Kanmoi and maintain the Arasakulam Kanmoi as per the measurement of the Government/Revenue Records, based on his representation, dated 24.12.2021 as well as the resolution passed in the peace committee meeting, dated 15.12.2021.

5.This Court, without going into the merits of the case, vide order dated 01.09.2022, disposed of the said Writ Petition, directing the third respondent to enquire into the representation of the eighth respondent and pass final orders on merits and in accordance with law. Accordingly, the third respondent conducted a peace committee meeting on 20.10.2022 at the Office of the Tahsildar, Thiruchuli Taluk, Virudhunagar, in which, the petitioner and other persons from Arasakulam Village were also participated. The third respondent herein without affording time to state the true facts of the natural position and



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the source channel to both the Kanmois, without seeing the earlier resolutions, dated 06.12.1992 and 29.08.2022, in a high handed manner, passed the resolution to measure the Kanmoi to form Weir, by getting information from the respondents 2 and 5.

6.The petitioner submitted that the resolution dated 20.10.2022, is completely biased, one sided and illegal. If it was allowed and acted, it will be against the resolutions already passed and it will make the Arasakulam Kanmoi irrigation lands, approximately about 500 Acres, to sterile. If the weir is formed, then there will be a stoppage of water to the Veeramudiyenthal Kanmoi and Thalikulam Kanmoi and approximately 200 Acres of land will be affected. The eighth respondent and Mannarmudiyenthal Village people with the help of Thiruchuli Revenue authorities tried to form concrete pipes inside the Arasakulam Kanmoi. Immediately, the petitioner approached the authorities and submitted representation and sent copies to the respondents 1 to 4 on 26.10.2022. Aggrieved over the same, the petitioner has preferred the present Writ Petition for relief stated supra.

7.The grievance of the petitioner is that a peace committee meeting was conducted by the third respondent on 20.10.2022 at the Office of the Tahsildar, Thiruchuli, in which, the petitioner and other Village people have



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participated and the third respondent herein passed a resolution that they will lay appropriate pipes for the excess water after getting opinion from the respondents 2 and 5. After getting opinion and permission, they will take appropriate steps to take the excess water through Weir to the other parts of the District.

8.The petitioner herein is challenging the same stating that his land will be affected if the water is taken from the said Kanmoi and the other Villagers wanted a cement pipe inside the Kanmoi and take water, which will affect the petitioner and other Village people's irrigation. Pursuant to the order dated 01.09.2022, passed in W.P.(MD)No.20708 of 2022, the third respondent conducted a peace committee meeting on 20.10.2022 and passed the resolution and appropriate assurances were given to the Villagers and the Villagers have also agreed for the decision taken in the peace committee meeting. The petitioner and one Ravichandran did not sign the same.

9.The petitioner's apprehension is premature, as there is no such action has been taken immediately for constructing a Weir and the same will be done only after getting opinion from the respondents 2 and 5. Therefore, this Court is not inclined to quash the impugned proceedings of the third respondent, dated 20.10.2022. The authorities concerned shall consider the petitioner's



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representation dated 26.10.2022 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

10.The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No

02.11.2022

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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