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W.P.No.7148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7148 of 2023

N.R.Raghu

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by it Secretary,
Water Resources Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Tiruvallur District, Tiruvallur.
3. The Sub-Collector,
Revenue Divisional Office,
Ponneri Taluk, Tiruvallur District.
4. Subramani

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in relating to the postponement of election vide notification affixed on 18.02.2023 the file of the 3rd respondent herein and to quash the same as far as Vazhudhalambedu Big and Small lakes water users' Association is concerned and consequently direct the respondents 2 and 3 to complete the election process as per the election notification Na.Ka.No.25230/2019/U1 dated 19.01.2023 and the same is published vide Tiruvallur District Gazettee No.5 dated 25.01.2023 in respect of Vazhudhalambedu Big and Small lakes water users' Association within the time to be stipulated by this Honorable Court.



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R3



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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.E.Veda Bagath Singh, Spl.GP, for R1-

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in respect of the postponement of election vide notification affixed on 18.02.2023, quash the same insofar as Vazhudhalambedu Big and Small Lakes Water Users' Association is concerned and to consequently direct the 2nd and 3rd respondents to complete the election process as per the election notification Na.Ka.No.25230/2019/U1 dated 19.01.2023.

2. Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that the petitioner is an agriculturalist having agricultural Nanja lands admeasuring about 28.50 ares at Vazhudhalambedu village, Gummudipoondi Taluk, Tiruvallur District and



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there are two lakes in the above said village, which are the main sources of irrigation for the agricultural lands. Further, the petitioner is the member of an association namely "Vazhudhalambedu Big and Small Lakes Water Users' Association"(in short 'Association'), which was established under the Tamil Nadu Farmers Management of Irrigation Systems, 2002 (in short 'the Act') for the purpose of efficient equitable supply and distribution of water of big and small lakes of Vazhudhalambedu Village for irrigation purposes. As per the said Act, an Election has to be conducted by the concerned District Collector to elect the President and other office members. In the present case in hand, the 2nd respondent issued an Election notification vide proceedings bearing Na.Ka. No.25230/2019/U1 dated 19.01.2023 and the same was published in the Tiruvallur District Gazette Notification on 25.01.2023 and as per the said notification, the 3rd respondent herein is appointed as Polling Officer and the Election was scheduled to be conducted on 19.02.2023. Thereafter, the petitioner filed his nomination on 06.02.2023 before the 3rd respondent for the post of President. While so, all of a sudden, the 3rd respondent had affixed a notice in his office's notice board on 18.02.2023 and thereby informed that the election in respect of the said Association has been temporarily postponed due to administrative



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reasons. Aggrieved by the same, the petitioner made a representation dated 23.02.2023 before the official respondents herein and other officials, requesting to complete the election process as per the notification dated 19.01.2023, which evoked no response. Hence, the petitioner has come up with this Writ petition, challenging the notice of the 3rd respondent dated 18.02.2023, postponing the election.

5. Heard learned counsel on either side and perused the materials available on record.

6. Though the petitioner has filed this Writ petition, seeking to quash the proceedings of the 3rd respondent in respect of the notice dated 18.02.2023, postponing the election in respect of the Vazhudhalambedu Big and Small Lakes Water Users' Association, however, at the time of arguments, the learned counsel for the petitioner restricted the prayer and sought for direction of this Court to direct the 3rd respondent to consider the petitioner's representation dated 23.02.2023 and conduct the election as expeditiously as possible insofar as the "Vazhudhalambedu Big and Small Lakes Water Users' Association" is concerned.

7. In view of above, this Court without expressing any opinion on the



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merits of the case and without interfering with the order impugned in this Writ petition, issues direction to the 3rd respondent to consider the petitioner's representation dated 23.02.2023 on merits and in accordance with law and pass appropriate orders with regard to conduct of election insofar as the "Vazhudhthalmbedu Big and Small Lakes Water Users' Association" is concerned within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and the private respondent.

8. With the above observations and directions, this Writ Petition is disposed of. No costs.

09.03.2023
(1/2)

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Government of Tamil Nadu,
Rep. by it Secretary,
Water Resources Department,
Fort St. George, Chennai - 600 009.



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2. The District Collector,
Tiruvallur District, Tiruvallur.

3. The Sub-Collector,
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Ponneri Taluk, Tiruvallur District.

M.DHANDAPANI,J.

skt

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