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W.P.No.8138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8138 of 2023

Palaniyappan

Son of Karupanna Gounder

..

Petitioner

-vs-

1. The Government of Tamil Nadu
represented by its Secretary
Water Resource Department
Public Works Department, Chepauk
Chennai
2. The Secretary cum Land Administrative Officer
Land Administration Department
2nd Floor, Ezhilagam, Chepauk
Chennai
3. The District Collector
Namakkal District
District Collectorate
Tiruchengode Road, Namakkal



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4. The Chief Engineer
Water Resource Department
Trichy Division, Trichy-20
5. Revenue Divisional Officer
Tiruchengode, Namakkal District
6. The Assistant Director
Department of Geology and Mining
Namakkal District
Namakkal
7. The Tahsildar
Tiruchengode Taluk
Namakkal District
8. Block Development Officer
Tiruchengode Panchayat Union
Tiruchengode, Namakkal District
9. The President
Sirumolasi Panchayat
Sirumolasi, Tiruchengode Taluk
Namakkal District
10. The Superintendent of Police
Namakkal District, Namakkal
11. The Inspector of Police
Tiruchengode Rural Police Station
Sirumolasi Post, Tiruchengode Taluk
Namakkal District



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12. Sri Velan Neereatru Paasana
Vivasaayigal Sangam
represented by its Secretary
(Reg.No.SRG/Namakkal/57/2020)
D.No.219, Kacheri Street
Velur Road, Tiruchengode
Namakkal District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 11 to take action against the 12th respondent from laying pipe line through the panchayat road from Vattaparapu to Athipalayam Village passes through S.Nos.9, 10, 2/1, 1/1 of Vattaparapu Village and S.Nos.68/1, 67/3 of Athipalayam Village, Tiruchengode Taluk in violation of the sanctioned pipeline route as per GO (4Pa) No.45 dated 25.02.2021 issued through Public Works Department (No.1) to take water from a well situated in S.No.281/2B2, Molasi Village, Tiruchengode Taluk, Namakkal District by considering the representation dated 18.02.2023 given by the Village Public, Sirumolasi Village, Tiruchengode Taluk, Namakkal District and further direct the respondents 4 to 11 to ensure that the pipeline is laid by the 12th respondent as per the sanctioned pipeline route.

For Petitioner :: Mr.T.L.Thirumalaisamy

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R11
Mr.K.Sugumaran for R12



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ORDER

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Mr.Palaniyappan, S/o Karupanna Gounder, a resident of Sirumolasi Village, Tiruchengode Taluk has filed this writ petition seeking issuance of a mandamus to the respondents 1 to 11 to take action against the 12th respondent, namely, Sri Velan Neereatru Paasana Vivasaaayigal Sangam represented by its Secretary from laying pipe line through the panchayat road from Vattaparapu to Athipalayam Village passing through S.Nos.9, 10, 2/1, 1/1 of Vattaparapu Village and S.Nos.68/1, 67/3 of Athipalayam Village, Tiruchengode Taluk, in violation of the sanctioned pipeline route, as per G.O.(4Pa) No.45 dated 25.02.2021 issued through Public Works Department (No.1) to take water from a well situated in S.No.281/2B2, Molasi Village, Tiruchengode Taluk, Namakkal District, by considering the representation dated 18.02.2023 given by the Village Public, Sirumolasi Village, Tiruchengode Taluk, Namakkal District and further direct the respondents 4 to 11 to ensure that the pipeline is laid by the 12th respondent as per the sanctioned pipeline route.



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2. Learned counsel appearing for the petitioner submitted that the 12th respondent made an application to the 8th respondent seeking permission for the purpose of laying pipeline from Sirumolasi Panchayat Road from the point 3/2 Km to the point 0.02 Km of Vattaparapu and the 8th respondent also granted permission to lay the pipeline from Sirumolasi Panchayat Road No.309 to Vattaparapu Road No.312 and also through panchayat road Nos.313, 722, 657 and 256. But to his shock and surprise, the 12th respondent started laying the pipeline contrary to the sanctioned route, thereby causing heavy damage to the panchayat road from Vattaparapu to Athipalayam village passing through S.Nos.9, 10, 2/1, 1/1 of Vattaparapu Village and S.Nos.68/1, 67/3 of Athipalayam Village, Tiruchengode Taluk. Therefore, the writ petition has been filed for the above said relief.

3. In reply, the learned counsel appearing for the 12th respondent submitted that when the application has been made to the 8th respondent seeking permission for the purpose of laying the pipeline, the 8th respondent also has duly granted permission to the 12th respondent to lay the pipeline



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for 13.29 Kms for the purpose of drawing water from the well situated in S.No.281/2B2 at Molasi Village for being stored in the tank situated in S.No.2/1A2 for the benefit of the cultivating members of the 12th respondent in Vattaparapu, Athipalayam villages etc., for which the necessary road cutting charges have also been paid vide the order dated 31.08.2021 passed by the Commissioner, Tiruchengode Panchayat Union. The learned counsel also submitted that only in the route sanctioned by the 8th respondent, the pipeline is being laid. Secondly, there is no public interest involved in this writ petition, because the G.O.(4Pa) No.45, Public Works (No.1) Department dated 25.02.2021 also says that by laying the pipeline, 375 acres of agricultural land is going to be benefited in Sirumolasi panchayat areas. Therefore, when the said Government Order has been issued only in the public interest, the petitioner cannot come to this Court making an unacceptable prayer.

4. Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 to 11 also submitted that the 8th respondent is the



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competent authority and after considering the request and the requirement made by the 12th respondent, the permission has been granted and in the light of the permission only, the pipeline is being laid to protect the interest of 375 acres of agricultural land.

5. We also fully agree with the submissions made by the learned State Government Pleader for the respondents 1 to 11 and the learned counsel appearing for the 12th respondent. Since the Government has considered the genuine request made by the villagers to cultivate their land by utilizing the water from the well situated at S.No.281/2B2, Molasi village, Tiruchengode Taluk, from where the pipeline has been permitted to be laid by the 12th respondent to the places where the water is all the time going insufficient in order to protect the 375 acres of agricultural land, vide the G.O.(4Pa) No.45, Public Works (No.1) Department dated 25.02.2021, this Court, sitting under Article 226 of the Constitution of India, cannot substitute its own view, because the public cause is paramount. Therefore, the writ petition fails and it is dismissed, as the prayer made by the petitioner is misconceived.



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Consequently, W.M.P.No.8372 of 2023 is also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

16.03.2023

ss

To

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Water Resource Department
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Chennai
2. The Secretary cum Land Administrative Officer
Land Administration Department
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Tiruchengode, Namakkal District

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THE HON'BLE ACTING CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

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