



WA No.61 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.61 of 2021
and CMP No.546 of 2021

1. Arunachala Gounder
2. Manivannan

.. Appellants

-VS-

1. P.Vengudusamy
2. The Sub Collector,
Pollachi, Coimbatore District.
3. The Tahsildar,
Taluk Office, Pollachi,
Coimbatore District.
4. The Executive Engineer,
Public Works Department,
Water Resources Organization,
Parambikulam Aliyar Project,
Makkinampatti Post, Pollachi Taluk,
Coimbatore District.

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 18.08.2020 passed in W.P.No.9815 of 2016 on the file of this Court.

For the Appellants : Mr.N.Umapathi



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For the Respondents : Mr.C.Prakasam for R-1
: Mrs.R.Anitha,
Spl. Govt. Pleader for RR 2 to 4
* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.N.Umapathi, learned counsel for the appellants, Mr.C.Prakasam, learned counsel for respondent No.1 and Mrs.R.Anitha, learned Special Government Pleader for respondent Nos.2 to 4.

2. The first respondent had filed the writ petition for free flow of water from Parambikulam canal. The writ petition was allowed by the learned Single Judge by issuing necessary directions.

3. The learned counsel for the appellants submits that in fact the appeal filed by the present appellants against the judgment and decree of the Civil Court is pending and is now ripe for final hearing. The respondent No.1 and the revenue officials should have kept on hold further steps till the appeal is decided on merits. The respondent No.1 does not have right.



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4. The decree is already passed by the Civil Court way back in the year 2014. The appeal is filed by the present appellants against the said decree, however, there is no stay. The decree is operating. In view of the decree passed by the Civil Court and as it stands today, no further orders in the present appeal can be passed in favour of the appellants.

5. Needless to state that the parties would be bound by the judgment that is to be delivered by the Appellate Court in the proceedings filed by the appellants. Till the judgment of the trial Court holds good, the appellants and the authorities are bound by the said judgment.

The writ appeal, accordingly, stands disposed of. There will be no order as to costs. Consequently, C.M.P.No.546 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

12.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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

(sra)

To

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2. The Tahsildar,
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Coimbatore District.
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