



W.P.Nos.15211 & 15516 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.15211 & 15516 of 2020

and

W.M.P.Nos.19053, 19367 & 19368 of 2020 and 9341 of 2023

Vellingirimalai Neervalam Matrum
Nilavalam Paadhukaappu Sangam,
Regd. No.SRG/Coimbatore/177/2020,
Rep. by its President,
N.Shanmugasundaram,
S/o.Natarajan,
Naraseepuram & Post,
Thondamuthur Via,
Coimbatore – 641 109.

... Petitioner in both WPs

Vs.

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Coimbatore, Coimbatore District.
- 3.The Block Development Officer,
(Village Panchayat),
Thondamuthur Panchayat Union,



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Thondamuthur, Coimbatore District.

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... Respondents 1 to 3
in both WPs

4.S.Kalaiselvi

...4th respondent in
W.P.No.15211 of 2020

5.P.M.Velusamy

6.R.Saminathan

7.N.R.Karthikeyan

... Respondents 4 to 6
in W.P.No.15516 of 2020

Prayer in both WPs: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.2726/2019/A4, dated 10.02.2020 and quash the same.

For Petitioner : Mr.C.Prakasam
(in both WPs)

For Respondents : Mr.M.Alagu Gowtham
(in W.P.No.15211 of 2020) Government Advocate [R1 to R3]
Mr.R.Bharath Kumar [R4]

For Respondents : Mr.M.Alagu Gowtham
(in W.P.No.15516 of 2020) Government Advocate [R1 to R3]
Mr.V.Raghavachari
Senior Counsel [R4 to R6]



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COMMON ORDER

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Since the issue raised in both the writ petitions is one and the same, these Writ Petitions were heard together and are disposed of by this common order.

2. Though the petitioner in W.P.No.15516 of 2020 filed W.M.P.No.9341 of 2023 seeking to fix an early date for hearing of the writ petition, he has consented for the disposal of the main writ petition itself and therefore, W.M.P.No.9341 of 2023 is closed.

3. The case of the petitioner is that he is the President of Vellingirimalai Neervalam Matrum Nilavalam Paadhukaappu Sangam, which was started to safeguard the water resources in and around the village. While so, the private respondents approached the first respondent by way of an application seeking permission for laying pipelines for taking water from petitioner's village to their agricultural lands, which are situated 5 to 10 kilometres away. However, the first respondent initially was not inclined to pass orders, subsequently, due to political pressure, the first respondent passed the impugned proceedings vide



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Na.Ka.No.2726/2019/A4, dated 10.02.2020 granting permission to the private respondents to take water from the petitioner's village by laying pipeline for agricultural purpose on the public road. Challenging the same, the above writ petitions have been filed before this Court.

4. The learned counsel for the petitioner submits that, though there was a water scarcity in the petitioner's village, the first respondent granted permission to draw water from the petitioner's village to the private respondents' agricultural lands situated in Devarayapuram, which is not sustainable. Accordingly, he prays for appropriate orders.

5. The learned Senior Counsel appearing for the respondents 4 to 6 in W.P.No.11516 of 2020 submits that the fourth respondent's wife is owning agricultural land in Ikkaraipoluvampatti Village and she had no objection for drawing water from her well situated in Ikkaraipoluvampatti Village to the fourth respondent's wells situated in Devarayapuram Village in order to carry out the agricultural activities. After obtaining No Objection Certificate from the Public Works Department, the first respondent granted permission in favour of the private respondents in the



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year 2020 and continuously, they are drawing water through the pipelines for over a period of two years. However, the petitioner is frequently interfering with the enjoyment of the private respondents usage of water, which is not sustainable and the petitioner-Sangam have no locus-standi to question the permission granted by the first respondent in favour of the private respondents. Further, the representor of the petitioner-Sangam has not disclosed whether it is a resident of Ikkaraipoluvampatti Village, however, he is a resident of Naraseepuram Village. He further submits that the writ petition in W.P.No.15516 of 2020 is filed with ulterior motive, hence, he prays for dismissal of the said writ petition.

6. The respondents 1 to 3 have filed their counter affidavits in W.P.No.15516 of 2020 and in paragraph Nos.4 and 5 of the counter affidavit filed by the second respondent, it has been stated as follows :

4. I submit that the allegations made in Page No.2 Para No.3 that the 4 to 6 respondents has purchased small extents of lands in order to supply the water for real estate owners is false. I further submit that the allegations in Page No.2 Para 4,5 that the permission has been given for laying



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underground pipelines for 4th Respondent from the bore well situated in agricultural land situated in Ikkari pooluvampatti Village to Devarayapuram Village, for the 5th Respondent from IkkARAI Pooluvampatti Village to Zaheernaickenpalayam Village and the 6th Respondent from Semmedu Village to Narasipuram and Ikkarai Pooluvampatti Villages from drought area to fertile area is false nor the order in Proceedings No.Na.Ka.2726/2019/A4 dated 10.02.2020 was passed under political pressure is false. The allegation that no objection has not been obtained from the village people is false. The allegations made in Page No.3 Para No.5 that water is drawn from drought area to fertile area is false and other allegations made out in Para No.5 is false. The allegations made in Page No.3 Para 6 that the 4 to 6 respondents is not an agriculturists and they are real estate owner and using water for commercial purpose is false. Further allegations that high handedness and police force was used for laying pipelines is false.

5. I submit that the 4th respondent made a representation to the Executive Engineer, Public Works Department, Bhavanisagar Dam Division, Bhavanisagar on 24.1.2018 stating that they own agricultural lands. As there was scarcity of water in



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agricultural land situated in Devarayapuram Village the 4th respondent was unable to maintain crops and was incurring losses. He further requested Executive Engineer, Public Works Department, Bhavanisagar Dam Division, Bhavanisagar to grant permission to lay underground pipelines in lands belongs to Public Works Department in order to draw water from the bore well situated in agricultural land in Ikaraipoolumpatti Village belonging to his wife Mrs.Kamalam to the agricultural land in Devarayapuram Village in order to carry out cultivation in his agricultural land. For the same purpose the 5th and 6th made representations to Executive Engineer, Public Works Department, Bhavanisagar Dam Division, Bhavanisagar on 18.9.2018 and 6.12.2018. The 5th respondent to lay pipeline from Ikaraipoolumpatti Village to Zakirnaickenpalayam Village and 6th respondent to lay pipeline from Semmedu Village to Narasipuram Village and Ikaraipoolumpatti Village.

7. Similar counter has also been filed by the respondents 1 and 3 in W.P.No.15211 of 2020. The second respondent in W.P.No.15211 of 2020 has also filed counter affidavit, in which, it has been submitted that the Public Works Department is in no way connected in this case, since



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the Department has not issued any orders to the fourth respondent for laying pipeline to carry water from Devarayapuram Village to Naraseepuram Village for agricultural purpose. Further, it has been submitted that the fourth respondent is laying pipelines in Government poromboke lands, which belongs to Revenue Department and other Departments. The first respondent vide proceedings Na.Ka.No.2726/2019/A4, dated 10.02.2020 granted permission for laying the pipeline from Devarayapuram Village to Naraseepuram village to the fourth respondent for agricultural purpose upon NOC issued by the Public Works Department.

8. Heard both sides and perused the materials available on record.

9. The facts in the present case is not in dispute. Admittedly, the private respondents made applications to the Public Works Department for no objection for laying pipelines on the ground that they are owning agricultural lands in Devarayapuram Village. As there was scarcity of water, they are unable to maintain the crops and incurring huge losses, thereby, the Public Works Department granted permission to lay



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underground pipeline in order to draw water from the bore well situated in agricultural lands in Ikkaraipoolumpatti Village belonging to one Kamalam, who is the wife of fourth respondent in W.P.No.15516 of 2020 for agricultural purposes for the lands situated in Devarayapuram Village. After no objection obtained from the Public Works Department, the first respondent granted permission in favour of the private respondents for drawing water from Ikkaraipoluvampatti Village to Devarayapuram Village. Admittedly, no materials has been placed by the petitioner to show that he is a resident of Ikkaraipoluvampatti Village, where the lands is owned by the fourth respondent's wife and he is a resident of Naraseepuram Village. Hence, this Court is unable to understand the locus-standi of the petitioner to file these writ petitions. Further, the Ikkaraipoluvampatti Village people have not made any objection either before the first respondent or before the Public Works Department and the private respondents laid pipelines in the lands owned by the Public Works Department, for which, the Public Works Department granted NOC in favour of them, based on which, the present impugned order was passed by the first respondent. Hence, the prayer sought in the above writ petitions cannot be granted and the writ petitions are liable to be



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dismissed.

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10. Accordingly, the writ petitions are dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

31.03.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

sp

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