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W.P.Nos.26865 & 26866 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26865 & 26866 of 2014

and

M.P.Nos.1, 1, 2 & 2 of 2014

Thangaraj
Anbuselvi

...Petitioner in W.P.No.26865 of 2014
...Petitioner in W.P.No.26866 of 2014

Vs.

- 1.The District Collector,
Office of the District Collector,
Coimbatore District.
- 2.The Sub-Collector,
Sub-Collector Office,
Palakad Road, Pollachi.
- 3.The District Revenue Officer,
Collector Office Campus,
Coimbatore District.
- 4.The Thasildhar,
Pollachi Taluk Office,
Pollachi, Coimbatore.
- 5.The Block Development Officer,
Pollachi North Union Office,
Pollachi, Coimbatore.



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6.Executive Engineer,
Public Works Department,
Water Resources Organization,
Aliyar Basin Division, Pollachi,
Coimbatore.

7.Assistant Divisional Engineer,
Highways Department,
Pollachi, Coimbatore.

..Respondents in both W.Ps

Prayer in W.P.No.26865 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 or their sub-ordinates from anyway disturbing the petitioner from using the pipelines laid from S.No.181/1A to S.No.25/2A of Anupparpalayam Village, Pollachi Taluk, Coimbatore District pursuance to the permissions granted by the Anupparpalayam Panchayat, 6th and 7th respondent.

Prayer in W.P.No.26866 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 or their sub-ordinates from anyway disturbing the petitioner from using the pipelines laid from S.No.105/2C to S.No.164/1 of Anupparpalayam Village, Pollachi Taluk, Coimbatore District pursuance to the permissions granted by the Anupparpalayam Panchayat, 6th and 7th respondent.



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For Petitioners : Ms.S.Ambika
For Mr.A.Gokulakrishnan
(in both W.Ps)

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

COMMON ORDER

The writ petitions have been filed to forbear the respondents 1 to 4 or their sub-ordinates from anyway disturbing the petitioners from using the pipelines laid from S.No.181/1A to S.No.25/2A and S.No.105/2C to S.No.164/1 of Anupparpalayam Village, Pollachi Taluk, Coimbatore District respectively pursuance to the permissions granted by the Anupparpalayam Panchayat, 6th and 7th respondent.

2. The learned counsel for the petitioners state that the petitioners own agricultural Punjai lands at Annupparpalayam Village, Pollachi Taluk, Coimbatore District. They are cultivating Coconut Trees with the help of open well irrigation. The petitioners had decided to take water from the open well situated in their lands through pipelines. The petitioners accordingly laid pipelines through the Local Panchayat land and over the canal, abutting Highways under the control of the Anupparpalayam Panchayat and the 6th and 7th respondents.



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3. The learned counsel for the petitioners state that the permission was granted to lay pipelines and therefore, the petitioners have not committed any irregularity.

4. This Court is of the considered opinion that the relief as such sought for to forbear the official respondents from disturbing the petitioners from using the pipelines cannot be granted, since the competent authorities are empowered to conduct inspections and in the event of identifying any illegality or irregularity in using the pipelines or extracting water in an illegal manner, initiate appropriate action under law.

5. Lawful powers to be exercised by the public authorities at no circumstances be injected by the High Court and the petitioners are not entitled to use the well water in the manner prescribed and without committing any violation or illegality. If any illegal extraction of water from the canal and illegal laying of pipelines through the Panchayat land is identified, then the authorities competent are bound to initiate action, so as to ensure that equal distribution of water from the canal to all the Ayacutdars without causing any discrimination.



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6. Thus, the relief as such sought for in the present writ petitions cannot be granted. The authorities competent are bound to conduct periodical inspection and if any illegality or extraction of water in an illegal manner is identified, then appropriate actions are to be initiated. In this regard, the Government also issued various circulars based on the orders of the Court to initiate appropriate actions.

7. With these clarifications, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. The District Collector,
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S.M.SUBRAMANIAM, J.

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