



W.P.No.23578 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.10.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.23578 of 2021
and
W.M.P.No.24800 of 2021

S.Selvakumar

... Petitioner

VS.

1.The District Collector,
Tirupur.

2.The Tahsildar,
Udumalpet.

3.The Supervisor Engineer,
P.A.P. Office, Pollachi.

4.The Executive Engineer,
Thirumoothy Kootam,
Udumalpet.

5.The Assistant Engineer,
Water Resource Management Department,
Pudhupalayam Branch, Vaaikal Aluvalagam,
Podhappaati.

6.K.Thangavel

... Respondents



W.P.No.23578 of 2021

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus forbearing the Respondents from obstructing or diverting the water course or preventing the usual quantum of water supply to petitioner's fields situate in S.F.No.67/A2A, S.F.No.67/A2B, 68/2A, 68/2B in Pannaikiranuru, Udumalpettai Vattam, Tirupur District.

For Petitioner : Mr.N.Krishnakumar
for M/s.Sarvabhauman Associates

For Respondents : Mr.P.Anandakumar, (for R1 to R5)
Government Advocate

Mr.K.Mylsamy for R6

ORDER

The petitioner is an individual who seeks a mandamus forbearing the respondents from obstructing or diverting the water course or preventing usual quantum of water supply to petitioner's streams in S.F.No.67/A2A, S.F.No.67/A2B, 68/2A, 68/2B in Pannaikiranuru, Udumalpettai Vattam, Tirupur District. R1 to R5 are the District Collector, Tahsildar, Supervisor Engineer, Executive Engineer and Assistant Engineer respectively and R6 is the private respondent.



W.P.No.23578 of 2021

WEB COPY

2.Mr.P.Anandakumar, learned Government Advocate appears for the official respondents i.e. R1 to R5 and Mr.K.Mylsamy, learned counsel appears for R6.

3.The fifth respondent has filed a counter wherein they state that there had been no obstruction caused by them to the flow of water to the petitioner's agricultural land. The efforts of the official respondents are only to ensure that there is no theft of water in that area. Both the writ affidavit as well as the counter proceed on various factual premises and ultimately the stand of the official respondents is that the writ petition does not contain any merit. It is their consistent stand that their activities are in accordance with law insofar as deployment of water resources is concerned.

4.In these circumstances, this Court is not in a position to issue mandamus as sought for as adjudication of the request of the petitioner would touch upon appreciation and assimilation of various facts, many of which are disputed by both the parties and hence outside the ken of writ jurisdiction.

5.Thus, while dismissing the writ petition, petitioner is granted liberty to approach the appropriate respondent by way of a representation setting out his grievances. If the representation is filed within a period of four (4) weeks from



W.P.No.23578 of 2021

today, the concerned respondent shall take note of the same, issue notice to the petitioner as well as to all other parties concerned in the matter and dispose the same within a period of six (6) weeks from date of receipt of representation.

6.This writ petition is dismissed with liberty. No costs. Connected miscellaneous petition is closed.

31.10.2023

vs

Index : Yes/No

Speaking order

Neutral Citation : Yes

To

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PAP Office, Pollachi.

4.The Executive Engineer,
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WEB COPY



W.P.No.23578 of 2021

Dr.ANITA SUMANTH, J.

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