

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21986 of 2017
and
W.M.P.No.23046 of 2017

Krishnasamy Gounder

...Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Sub-Collector,
Tiruppur District,
Tiruppur.

3.The Tahsildar,
South Tahsildar Office,
Tiruppur (South) District.

4.The Executive Engineer,
Public Works Department,
Paramigulam Aliyaru Project,
Water Resources, Kangayam,
Erode District.

5.Palanisamy Gounder

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the report made in Na.Ka.No.4889/2016/A1 dated 02.06.2016 submitted by the 3rd respondent to the 2nd respondent and the consequential order made in Na.Ka.No.1658/2017/A5 dated 28.06.2017 passed by the 2nd respondent quash the same and forbear the 1 to 4 respondent from any manner interfering the petitioner's right to draw water from Madai-3 through channel to his land comprised in S.No.556/3B, Thonkutti Palayam village, Tiruppur South District.

For Petitioner : Mr.G.Ethirajulu

For R1 to R4 : Mr.S.Ravichandran
Additional Government Pleader

For R5 : Mr.V.Lakshmi Narayanan

ORDER

The report made by the third respondent on 02.06.2016 and the consequential order passed by the second respondent dated 28.06.2017 are sought to be quashed in the present writ petition.

2. The petitioner states that he owns agricultural lands to an extent of 13.39 and 3.40 acres comes under the purview of Paramigulam Aliyaru Project scheme for water source for irrigation for the past several decades to meet out the agricultural operations in that land.

3. The grievance of the petitioner is that the 5th respondent has given an objection letter regarding the usage of water for irrigation by the petitioner. The Sub-Collector, Tiruppur, without issuing any notice to the writ petitioner, passed an order on 02.06.2016. However, the final order was issued in proceedings dated 28.06.2017, which would reveal that an enquiry was conducted in the presence of the petitioner, opposite party and the Village Administrative Officer.

4. The learned counsel appearing on behalf of the 5th respondent made a submission that the issues between the petitioner and the 5th respondent was settled in the said proceedings dated 28.06.2017 and accordingly, the dispute did not exists as of now.

5. However, the learned counsel for the petitioner states that the unilateral decision originally taken without issuing notice is improper and an opportunity is to be provided to the writ petitioner to defend his case in respect of the objections raised by the 5th respondent. It is needless to state that the final decision regarding sharing of water is to be made by affording opportunity to the parties concerned.

6. In the present case, the learned counsel for the 5th respondent states that solution has been offered in the order dated 28.06.2017 and therefore, no further adjudication is required.

7. However, in order to avoid any further dispute or discrepancy in the matter of sharing of water, the 2nd respondent is directed to issue notice to the writ petitioner, 5th respondent and the Village Administrative Officer by conducting a field inspection to understand the topography of the lands concerned and thereafter, take a final decision and pass appropriate orders, resolving the issues in the manner known to law.

8. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

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S.M.SUBRAMANIAM, J.

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