



WEB COPY

W.P. No.30043 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30043 of 2023

Prabhu

... Petitioner

Vs.

1.The District Collector
Coimbatore District
Coimbatore

2. The Revenue Divisional Officer
Coimbatore South
Coimbatore

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the 2nd respondent to renew the permission for route line (Pathaiari) granted vide Na.Ka.No.1432/2009/A5 dated 20.02.2009 on the file of the Revenue Divisional Officer, Tiruppur for carry farm well water from S.No.335/4F, Malaipalaiyam Village, to S.No.233/1C, Thalakkarai Village, for cultivation in pursuance of petitioner's representation dated 29.09.2023.

For Petitioner : Mr.M.Subash

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

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This Writ petition is filed for a writ of mandamus directing the 2nd respondent to renew the permission for route line (Pathaiari) granted vide Na.Ka.No.1432/2009/A5 dated 20.02.2009 on the file of the Revenue Divisional Officer, Tiruppur for carry farm well water from S.No.335/4F, Malaipalaiyam Village, to S.No.233/1C, Thalakkarai Village, for cultivation in pursuance of petitioner's representation dated 29.09.2023.

2. The contention of the petitioner is that the Tahsildar, Palladam vide proceedings in Na.Ka.No.1432/2009/A5 dated 20.02.2009, had granted permission for route line (Pathaivari) for carry farm well water from S.No.335/4F, Malaipalaiyam Village to S.No.233/1C, Thalakkarai Village, for cultivation with conditions inter alia the period of permission was five years from the date of order and the same should be renewed three months prior to expiry of validity. When that being so, even five months prior to lapse of the above said permission, the petitioner's father had approached the Revenue Divisional Officer, Tiruppur, for renewal of permission, whereas, they turned down to do the same for the reasons best known to them. Subsequently, on 21.07.2016 the petitioner's father died left his property



intestate and the petitioner is cultivating in both of lands by taking water through route line. The petitioner also sent a representation dated 29.09.2023 to the 2nd respondent for renewal of permission of route line which was granted in the year 2009 in favour of his father, as there was no proper water resource to his agriculture land except by way of route line. The said representation was also duly received and acknowledged. However, the same is kept pending as unattended. Hence, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

4. In the light of the limited scope of prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 29.09.2023 and conduct an enquiry in the manner known to law after issuing notice to all the interested parties and pass appropriate orders on merits and in accordance with law, without any further delay, within a period of three months from the date of receipt of copy of this order.



5. With the above directions, the writ petition is disposed of at the admission stage itself. However, there shall be no order as to costs.

17.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Collector
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P.VELMURUGAN. J.

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