



WEB COPY



W.P.No.32854 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32854 of 2019

T.Srinivasan @ Mani

...Petitioner

Vs.

1.The District Collector,
Tiruppur District Collector Office,
Tiruppur District.

2.The Sub-Collector/
Revenue Divisional Officer,
Dharapuram Division,
Dharapuram, Tiruppur District.

3.The Tahsildar,
Dharapuram Tahsildar Office,
Dharapuram, Tiruppur District.

4.The Assistant Executive Engineer [BAB],
Public Department,
Udumalaipet, Tiruppur District.

5.G.Loganathan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein



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to dispose the petitioner's representation dated 23.10.2017 within a time frame.

For Petitioner : Mr.Gokulakrishnan
for M/s.Genicon and Associates

For R1 to R4 : Mr.C.Jayaprakash
Government Advocate

For R5 : Mr.R.Govindaraj

ORDER

The relief sought for in the present writ petition is to direct the second respondent to consider the representation submitted by the writ petitioner on 23.10.2017.

2.The petitioner purchased the subject property described in the present writ petition. It is an agricultural land and Parambikulam Aliyar Canal water is reaching the land belonging to the 5th respondent through a field bothy. The petitioner is unable to divert water for the cultivation of his land and therefore, submitted a representation to create a bothy for the purpose of utilization of river water for cultivation.



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3.The creation of bothies are governed under the provisions of Tamil Nadu Irrigation Works [Construction of Field Bothis] Act, 1959 [Tamil Nadu Act No.25 of 1959]. Therefore, the respective parties cannot create bothies themselves without permission of the competent authorities and by following the procedures as contemplated under the Act.

4.The learned counsel for the 5th respondent made a submission that dispute exist between the petitioner and the 5th respondent in this regard and a civil suit has been instituted by the 5th respondent in O.S.No.191 of 2019 on the file of the District Munsif Court, Dharapuram.

5.Under these circumstances, the authorities shall conduct inspection under the provisions of the Act and if any violations are identified, all appropriate actions are to be initiated. With reference to the grievance of the writ petitioner, the parties are at liberty to resolve the issues in the pending suit filed by the 5th respondent in O.S.No.191 of 2019.



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6.The learned Government Advocate brought to the notice of this

Court that enquiry has already been conducted.

7.If so, the authorities are at liberty to take a decision after affording opportunity to all the parties, by following the procedures and in accordance with the provisions of the Tamil Nadu Act No.25 of 1959.

8.With these directions, the writ petition stands disposed of. No costs.

07.09.2023

cse

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order



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S.M.SUBRAMANIAM, J.

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