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W.P.No.28717 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **09.03.2023**

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28717 of 2018

M.Singaram

...Petitioner

Vs

1.Executive Engineer,
Irrigation Division,
Publics Work Department,
Puducherry.

2.Assistant Engineer,
Irrigation Sub-Division III,
Publics Work Department,
Gandhi Nagar, Puducherry.

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the respondent in order (vide doc.No.1686/PW/EEI/DB/C-23/2018-19/3038) dated 14.08.2018 and quash the same and consequently direct the first respondent to provide permission to the petitioner to lay pipeline so as to connect the bore well located in southern side of the Moolapakkam Village with the petitioner's agricultural lands situated in northern side of the village comprised in S.No.3/13.



W.P.No.28717 of 2018

For Petitioner : Mr.V.Chandrababu

Respondents : Mr.A.Tamilvanan, AGP (Pondy)

ORDER

This writ petition is filed seeking for issuance of a writ of Certiorarified Mandamus to quash the proceedings of the first respondent vide doc.No.1686/PW/EEI/DB/C-23/2018-19/3038 dated 14.08.2018 and and consequently direct the first respondent to provide permission to the petitioner to lay pipeline so as to connect the bore well located in southern side of the Moolapakkam Village with the petitioner's agricultural lands situated in northern side of the village comprised in S.No.3/13.

2. It is the case of the petitioner that he has made an application dated 06.12.2017, before the second respondent seeking permission to dig water through pipelines laid from the southern side of the Moolapakkam Village. However, the said request was approved by the second respondent by way of an order dated 01.03.2018 after imposing certain conditions. Thereafter, the petitioner was directed to obtain permission from the first respondent to continue the process of laying

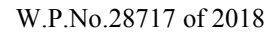


W.P.No.28717 of 2018

pipeline. While so, the petitioner made a request before the first respondent vide letter dated 22.05.2018. However, the petitioner's request was approved by the first respondent vide order dated 10.07.2018. Subsequently, the first respondent passed the impugned order dated 14.08.2018, revoking the permission granted to lay pipeline without affording any opportunity to the petitioner. Challenging the same the present writ petition has been filed seeking the relief supra.

3. Learned counsel for the petitioner submits that the petitioner made an application only for the purpose of extracting water from the bore well for agricultural purpose to his land measuring only 0.69 cents. He further averred that though the permission was granted by the first and second respondents for laying of pipeline, however, the first respondent unilaterally cancelled the said permission without any valid reason, which is in violation of the principals of natural justice. Hence, he prayed for passing appropriate orders.

4. Per contra learned counsel for the respondents submits that the application of the petitioner neither mentioned the exact location for granting permission to lay pipeline. Further upon receipt of petition from



<https://www.mhc.tn.gov.in/judis>



W.P.No.28717 of 2018

To

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W.P.No.28717 of 2018

M.DHANDAPANI, J.

RAP

W.P.No.28717 of 2018

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