



W.P.(MD) No.4569 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4569 of 2020
and
W.M.P.(MD) No.3913 of 2020**

1.K.Santhanathurai

2.V.Krishnanantham

3.M.Muniappan

... Petitioners

/vs./

1.The Secretary to Government,
Public Works Department,
Water Resources Organization,
Secretariat,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Chepauk, Chennai -5.



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4.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Pollachi Region,
Town Hall, Coimbatore -1.

5.The Superintending Engineer (General),
Water Resources Organization,
Public Works Department,
Special Scheme,
Nanganjiyar Basin Division,
Palani.

6.The Executive Engineer,
Public Works Department,
WRO, Nanganjiyar Basin Division,
Palani.

7.Vaiyapurikulam Serunaickenkulam
Water Users Association, Palani,
represented by its President,
C.Narendran,
No.11, Mangalagounder Lane,
Palani 624 601,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 to bifurcate the 7th respondent water users association and to form a new water users association comprising the area of Karaipathu (lands in Survey Nos.471 to 750), Kilavayal and Thonimedu(lands in Survey Nos.568 to 662) which are part of the Ayacutdars



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of Vaiyapurikulam, Palani by invoking Section 16(a) of the Tamil Nadu Farmers Management of Irrigation Systems Act, 2000.

For Petitioners : Mr.M.P.Senthil
For R1 to R6 : Mr.J.John Rajadurai
Government Advocate
For R7 : Mr.D.Venkatesh

ORDER

The above writ petition is filed by the petitioners for a Mandamus to direct the respondents 1 to 6 to bifurcate the seventh respondent water users association and to form a new water users association comprising the area of Karaipathu (lands in Survey Nos.471 to 750), Kilavayal and Thonimedu(lands in Survey Nos. 568 to 662), which are part of the Ayacutdars of Vaiyapurikulam, Palani by invoking Section 16(a) of the Tamil Nadu Farmers Management of Irrigation Systems Act, 2000.

2.The facts briefly set out are as follows:-

3.The learned counsel for the petitioners would submit that the petitioners are the members of the Vaiyapurikulam Serunaickenkulam Water Users



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Association, Palani, which was formed after the advent of the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000 (*herein after referred to as Act*). The third petitioner is also the member of the Managing Committee of the seventh respondent water users association. He would submit that the main source of water for agriculture in and around Palani is Varathanadhi Dam and Palaru Porunthalaru Dam. Varathanadhi Dam is the source of water for 18 tanks. Between the water channel and these 18 tanks, there are four check Dams. Vaiyapurikulam, Palani is also fed by the water from the Varathanadhi Dam and it is one of the biggest tanks. In order to manage the water resources properly, the predecessor in interest of the petitioners had formed a Sangam, called Palani Gramam Vaiyapuri Kanmai Karaipathu Puravu Pasanam Vivasayigal Nalasangam. This association is a registered association. The association was promoting and safeguarding the interest of farmers. Totally, an extent of 771.94 acres of land was being irrigated from the water drawn from Vaiyapurikulam and there were approximately 200 farmers benefiting from the water.

4.It is also the case of the petitioners that till the advent of the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000, their interest have been



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promoted only by the Palani Gramam Vaiyapuri Kanmai Karaipathu Puravu Pasanam Vivasayigal Nalasangam (*herein after referred to as Sangam*). Proceedings were initiated by the authorities for delineating the area of the water users association. It is also the case of the petitioners that their predecessor in title have also sought for separate farmer association of Vaiyapurikulam. However, the authorities have not conceded to the above and therefore, the present writ petition has been filed seeking to have the seventh respondent bifurcated.

5.The sixth respondent has submitted that the authorities are ready to conduct the meeting amongst the Ayachtdars of both Vairapurikulam and Sirunaickenkulam, which are sought to be delineated. They would also submit that they have no objection for the formation of two associations as per Section 16 of the Act.

6.The learned counsel for the seventh respondent would submit that they have no objection. However, there must be modalities with reference to the usage of the water to be finalized by the authorities before the formation of two associations.



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7. In the result, the Writ Petition is allowed taking into account the submission made by the learned Government Advocate for the respondents 1 to 6 that they have no objection to the second association being opened. This shall subject to the condition that the authorities shall give a schedule for the usage of water by both these associations in order to prevent any future litigations between the parties. The Association shall be formed and the District Collector, Dindigul District shall hold a meeting with the interested parties and fix the schedule after consulting both the parties and the schedule so finalised shall be adhered to by the members of both these associations. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

1. The Secretary to Government,
Public Works Department,
Water Resources Organization,

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Secretariat,
Chennai.

- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Chepauk, Chennai -5.
- 4.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Pollachi Region,
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P.T.ASHA, J.

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