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W.P.(MD)No.5508 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.5508 of 2021

S.Muthu

... Petitioner

Vs.

1.The Chief Engineer,
Tiruchirappalli Region,
Water Resource Organization,
Public Works Department,
Tiruchirappalli-620 020.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

4.The Executive Engineer,
Water Resource Organization,
Public Works Department,
Pudukkottai District.

5.The Assistant Executive Engineer,
Water Resource Organization,
Public Works Department,
Aranthangi,
Pudukkottai District.

6.The Sub Inspector of Police,
Eambal Police Station
Eambal,
Pudukkottai District.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to set right the mistake or defective construction of abnormal height in surplus weir (Kalungu) of Alathimanai Kanmoi so as to prevent the immerse of padday crops by water in patta lands in survey Nos.272/1, 270/3, 271/1, 272/2, 270/2, 270/1, 271/4, 272/5, 271/2, 271/5, 272/3, 272/4 and 272/7 (10 acres) of Irumbanadu Village, Avudaiyarkovil Taluk, Pudukkottai District by considering the petitioner's representation dated 18.01.2021.

For Petitioner : Mr.K.Baalasundharam
For R1 to R5 : Mr.A.K.Manikkam
Special Government Pleader
For R6 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to set right the height of the sluice at Alathimanai Kanmoi in order to prevent the overflowing of water and submerging of paddy crops in the agricultural lands belonging to the petitioner.

2.The grievance of the petitioner is that during heavy rain, the water from the Alathimanai Kanmoi overflows into the agricultural lands belonging to the petitioner and the crops get submerged into water, as a result, the petitioner suffered irreparable loss and hardship. In view of the same,



a representation was made to the respondents to set right the sluice and to prevent the water from entering into the agricultural lands. Since the same was not considered, the present writ petition has been filed before this Court.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 to 5 and the learned Government Advocate for the sixth respondent.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 to 5 produced the relevant records. The learned Government Advocate appearing on behalf of the sixth respondent also produced the closure report, based on the enquiry that was conducted in C.S.R.No.10 of 2021.

5. It is seen that the Alathimanai Kanmoi is having an Ayacut of 66.00.00 Hactares and a water spread area of 94.90.00 Hectares. The water in this tank is utilized by the Ayacutthars, which has an association with the Managing Committee. This tank has four sluices and one surplus weir. During rainy season, whenever the tank reaches its maximum capacity, the water gets discharged from the surplus weir to the other tanks. During this point of time, the water spreads to the areas in the vicinity and unfortunately, the farmers, who are having their lands in such areas suffer, due to the submerging of crops under



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6.The learned Special Government Pleader, on instructions, submitted that the weir has been constructed to the maximum height by adhering to the standards and it is being maintained. It was submitted that during heavy rain, when the tank reaches its maximum capacity, attempts are being made to discharge the surplus water through the weir to the other tanks through surplus channels and during this process, the water gets discharged to the nearby lands.

7.In the considered view of this Court, the grievance that has been expressed by the petitioner is a practical problem that happens during heavy rain. The respondents will have to look at this problem from the larger perspective, since there are Ayacutthars, who are depending on the water from the tank. Since the land belonging to the petitioner is located very near to the Kanmoi, the overflowing water enters into the agricultural lands belonging to the petitioner. This is a scenario, which cannot be avoided during heavy rain. If the respondents act as per the request made by the petitioner, it will have other consequences by raising height of the weir and other persons, who are depending on this water will be aggrieved. Therefore, in a case of this nature, this court cannot exercise its jurisdiction under Article 226 of the Constitution of India.



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8. In light of the above discussion, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition is dismissed. No costs.

13.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

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N.ANAND VENKATESH, J.

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