



W.P(MD)No.4364 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4364 of 2023

and

W.M.P.(MD)Nos.4097 & 4098 of 2023

R.Muthuraja

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi District.

3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

4.The Executive Engineer,
Public Works Department (Water Resource Organisation),
Thamirabarani Basin Division, Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to conduct election for Vellurkulam Water Users Association after publishing the fresh voters list consisting of actual land holders and after



W.P(MD)No.4364 of 2023

deleting the dead person names by considering the petitioner's representation dated 24.02.2023.

For Petitioner : Mr.K.Balasundaram
Senior Counsel
for Mr.C.Gangai Amaran

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner is an Ayacutdhar and is one of the contestants for the post of President of the petition mentioned Water Users Association. The petitioner alleges that the voters list has not been properly prepared. Certain serious allegations have been made.

3. The specific stand of the petitioner is that before finalizing the voters list, objections were not invited. The Assistant Engineer attached to the Public Works Department (Water Resource Organisation) is present in person before this Court. He has been appraised.

4. It is not open to the writ court to go into the merits of the matter at this stage or even direct postponement of the election. But the executive engineer can do so if they are convinced that the voters list suffers from fundamental difficulties. That is a call which only the first respondent can take.



W.P(MD)No.4364 of 2023

The election is proposed to be held on 05.03.2023. The petitioner has sent a representation to the first respondent on 24.02.2023. The first respondent is called upon to take a call in the matter by tomorrow evening. The petitioner need not be given any personal hearing. Thiru.Naveen Prabhu, Assistant Engineer, is directed to place the affidavit and the typed set of papers filed before this Court before the first respondent. It is for the first respondent to consider the same.

5. In view of the sheer positive of time, I am only calling upon the first respondent to take a decision. The first respondent is not expected to pass an elaborate order conveying his decision. If the first respondent is satisfied that allegations made by the petitioner are well founded, it is open to the first respondent to direct postponement of the election and also order preparation of a fresh voters list. The issue is left entirely to the discretion of the first respondent.

6. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2023

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 03.03.2023



WEB COPY



W.P(MD)No.4364 of 2023

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Office of the District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi District.
- 3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 4.The Executive Engineer,
Public Works Department (Water Resource Organisation),
Thamirabarani Basin Division, Tirunelveli.

W.P(MD)No.4364 of 2023

02.03.2023