



WP(MD)No.22494 of 2023

EFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.22494 of 2023

and

WMP (MD) No.18742 of 2023

S.Kumar

... Petitioner

Vs

1.The Additional Secretary to Government,
Public Works Department,
Secretariat, St.George Fort,
Chennai -9.

2.The District Collector,
Tirunelveli District.

3.The Chief Engineer,
Public Works Department,
Madurai Region,
Tallakulam, Madurai.

4.The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Thamirabarani Basin Division,
Tirunelveli District.

5.The Tahsildar,
Ambasamudram,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus directing the 2nd respondent to include the petitioner as a member in the voters list and consequently permitting the petitioner to contest in the post of Managing Committee member in N.K.S.K.Nathiunni Kalvai Neerinai Payanpaduthuvor Sangam, if he is otherwise eligible as per the Tamil Nadu Farmers Management of Irrigation Systems Act by considering the representation given by the petitioner dated 12.09.2023.

For petitioner : Mr.K.Jeyamohan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is said to have purchased certain lands, which are having the irrigation facilities from river Tamirabarani and he claims that he is entitled to become a member of the water users association of river Tamirabarani in Ambasamudiram territory.



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2.The District Collector has published a notification for election for the water users association and the last date for submission nomination is 13.09.2023 ie., today. The petitioner has moved this writ petition for lunch motion that the petitioner has inclination to contest in the election, however his name is not included in the voters list and therefore, prayed for a direction to the District Collector to include the petitioner's name in the voters list as a member of the association.

3.The learned Additional Government Pleader, who takes notice for respondents, by referring the publication made in Tamil Hindu Daily on 25.09.2022 submits that it was informed that the voters list and Form V and V-A have been displayed in the Office of the Village Administrative Officer for enrolling members and the users have to submit their Form V and V-A on or before 13.09.2023 for inclusion of their names in the voters list. The learned Additional Government Pleader further submits that the members



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list was finalised in the month of March 2023 itself, notification was issued on 07.09.2023 and the last date for submission of the nomination is today., 13.09.2023.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The petitioner is said to have purchased certain lands, which are having irrigation from river Tamirabarani in Tirunelveli District in the year 2012, 2016 and 2018 respectively. However the petitioner has not filed Form V and Form V-A before the concerned authority for registration of his name as an eligible member of the water users association. Sufficient opportunity was also provided by way of a paper publication on 25.09.2022. Even thereafter it appears that this petitioner has not filed form V and Form V-A. The election notification was also issued on 07.09.2023, but in the last day for filing the nomination, the petitioner has approached this Court. Therefore, at this stage, this court is not inclined



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entertain this writ petition and not inclined to issue any positive direction. However, the writ petition is disposed with liberty to the respondents to consider the case of the petitioner for his participation in the election if possible. No costs. Consequently connected miscellaneous petition is closed.

13.09.2023

DSK

To

- 1.The Additional Secretary to Government,
Public Works Department,
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Chennai -9.
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B. PUGALENDHI , J .

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