



W.P.No.4620 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

W.P.No.4620 of 2024

G.Prabhu

...Petitioner

Vs.

1. The Chief Engineer, P.W.D., W.R.O.,  
State Ground and Surface Water Resources Data Centre,  
Taramani, Chennai.
2. The Superintending Engineer,  
Public Works Department, W.R.O.,  
Melkaveri Basin Circle, Salem – 636 007.
3. The Executive Engineer, P.W.D., W.R.O.,  
Sarabanga Basin Division,  
Salem – 636 007.
4. The Assistant Executive Engineer, P.W.D., W.R.O.,  
Sarabanga Basin Subdivision,  
Namakkal District.
5. The Assistant Engineer,  
W.R.O., Sarabanga Basin Division,  
Namakkal District.
6. The Assistant Engineer,  
WRO Irrigation Basin,  
Paramathivelur, Namakkal District.



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7. The District Collector,  
Namakkal District, Namakkal.
  8. The Chief Engineer,  
Water Resources Department,  
Trichy Division.
  9. The Village Administrative Officer,  
Vadakkari, Aathur Melmugam,  
Paramathi Velur Taluk, Namakkal District.
  10. The Tahsildar,  
Paramathi Velur Taluk, Namakkal District.
  11. The Assistant Engineer,  
Tamil Nadu Generation and Electricity Distribution  
Corporation (TANGEDCO),  
Kabilarmalai, Namakkal District.
  12. The Commissioner of Panchayat Union Block,  
Kabilarmalai, Namakkal District.
  13. The President,  
Kabilarmalai Murugan Siruvivasayigal  
Neertru Pasana Sangam, Periyasolipalayam (Post),  
Paramathi Velur Taluk, Namakkal District.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 12<sup>th</sup> respondents to consider and dispose the petitioner's representation dated 20.10.2023 and directing the respondents to remove the 4 feet thickness of cement concrete in 6 feet wide 10 feet height at a depth of 10 feet from the ground level below the Rajavaikkal from well in Survey No.122, 123 through Survey No.101 and consequently to cancel the G.O.(Ms).No.73 Public Works (N.1) Department dated 24.02.2021 through which permission was given to Kabilarmalai Murugan Siruvivasayigal Neeretrupasana Sangam, 13<sup>th</sup> respondent herein within a stipulated time as prescribed by this Hon'ble court.



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For Petitioner : Ms.J.Swetha  
for Mr.P.Anbalagan

For Respondents : Mr.LSM.Hasan Faisal, AGP, for R1-10, 12 & 13  
: Mr.I.Syed Sibghatulla, SC, for R11

### **ORDER**

This Writ petition has been filed seeking direction to the respondents 1 to 12<sup>th</sup> to consider and dispose the petitioner's representation dated 20.10.2023 and to direct the respondents to remove the 4 feet thickness of cement concrete in 6 feet wide 10 feet height at a depth of 10 feet from the ground level below the Rajavaikkal from well in Survey No.122, 123 through Survey No.101 and to consequently cancel the G.O.(Ms).No.73 Public Works (N.1) Department dated 24.02.2021 through which permission was given to Kabilarmalai Murugan Siruvivasayigal Neeretrupasana Sangam, 13<sup>th</sup> respondent herein.

2. The case of the petitioner is that, vide G.O.(Ms).No.73 Public Works (N.1) Department dated 24.02.2021, permission was given to the 13<sup>th</sup> respondent and its members to fetch the water from S.No.156/1A/1A2, Melmugam, Vadakaraiyathur, Paramathi Velur Taluk, Namakkal District



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for drip water irrigation and for drinking water facilities. However, violating the above said G.O., the 13<sup>th</sup> respondent and its members are illegally drawing water from Kaveri river through underground canal. Hence, the petitioner filed a Writ petition before this Court in W.P.No.25669 of 2023 and this Court vide order dated 07.09.2023, directed the officials to stop the illegal act of drawing of water from the Kaveri river by the said association. Despite the said order of this Court, the respondents have not taken any effective steps to prevent the 13<sup>th</sup> respondent and its members from drawing water from the kaveri river. Thereby, the petitioner made a representation dated 20.10.2023 to the respondents seeking to remove the 4 feet thickness of cement concrete in 6 feet wide 10 feet height at a depth of 10 feet from the ground level below the Rajavaikkal from well in Survey No.122, 123 through Survey No.101 and also to cancel the G.O.(Ms).No.73 Public Works (N.1) Department dated 24.02.2021, which evoked no response. Hence, this Writ petition.

3. Heard learned counsel on either side and perused the materials available on records.



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4. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, as the relief sought for by the petitioner in the present Writ petition cannot be decided by this Court under Article 226 of the Constitution of India, this Court, while dismissing this Writ petition without going into the merits of the case, grants liberty to the petitioner to workout the remedy in the manner known to law.

5. Accordingly, this Writ petition stands dismissed with a liberty to the petitioner to workout the remedy in the manner known to law. No costs.

**03.09.2024**

skt

NCC : Yes/ No  
Speaking Order : Yes/ No  
Index : Yes/ No

To

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3. The Executive Engineer, P.W.D., W.R.O.,  
Sarabanga Basin Division, Salem – 636 007.
4. The Assistant Executive Engineer, P.W.D., W.R.O.,  
Sarabanga Basin Subdivision, Namakkal District.
5. The Assistant Engineer,  
W.R.O., Sarabanga Basin Division, Namakkal District.
6. The Assistant Engineer,  
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Water Resources Department, Trichy Division.
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Vadakkari, Aathur Melmugam,  
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**M.DHANDAPANI, J.**

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