



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4168 of 2024
& WMP.Nos.4470 & 4471 of 2024

K.S.Saravanakumar

... Petitioner

Vs

1.The District Collector,
Coimbatore, Coimbatore District.

2.The Sub-Collector,
Coimbatore, Coimbatore District.

3.The Tahsildar,
Pollachi Taluk,
Pollachi – 642001.

4.The Tahsildar,
Anaimalai Taluk,
Anaimalai – 642104.

5.The Executive Engineer,
PWD/WRO, Parambikulam Division,
ParambikulamCamo,
Vettaikaranpudur, Pollachi Taluk,
Coimbatore District – 642001.

6.The Assistant Executive Engineer,
PWD/WRO, Pollachi Taluk,
Coimbatore District-642001.



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7.The Assistant Engineer,
PWD Samamatta Kalvai Division No.1,
Sarkarpathi, Udumalaipettai Taluk,
Coimbatore District.

8.The Village Administrative Officer,
The Panchayath Office,
Kaaliyapuram (North).

9.The Village Administrative Officer,
The Panchayath Office,
Odaiyakulam

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter issued by the 7th respondent vide letter No.கேப.6/உபபா/ Sarkarpathi/2024 dated 24-01-2024 and quash the same and consequently directing the 2nd respondent to add the petitioner's name in the Aayacut Irrigation Landlords list.

For Petitioner : Mr.S.Nagarajan

For Respondent : Mr.S.John J.Raja (R1 to R4, R8 and R9)
Additional Government Pleader
Mr.G.Nanmaran (R5 to R7)
Special Government Pleader

ORDER

Mr.S.John J.Raja, learned Additional Government Pleader accepts notice for R1 to R4, R8 and R9 and Mr.G.Nanmaran, learned Special Government



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Pleader accepts notice for R5 to R7. They are armed with instructions to enable final disposal of this Writ petition, even at the stage of admission.

2. The petitioner claims to be an agriculturist owning lands at S.Nos.559, 560, 562, 571/A and 575 of V.Kaaliyapuram Village, Pollachi Taluk ('lands'/'lands in question'). It is his claim that the lands are entitled to water from the upper river passing through the Kulappam Varathu Vaikal, Kullapam Ayacut.

3. He relies in this regard, on a letter issued by the 5th respondent/Executive Engineer, Pollachi Taluk indicating that the lands falls within the sluice of ayacut lands, confirming its ayacut irrigation rights. In 2003, he alleges that R5 to R7 had planned to close the branch of the canal permanently in violation of the principles of natural justice.

4. He filed a suit seeking permanent injunction in O.S.No.535 of 2003 before the District Munsif Court, Pollachi and obtained a decree in his favour. Per decree dated 01.02.2010, petitioner's entitlement to water from the ayacut for irrigation to the lands in question has been confirmed and that judgement has also attained finality.

5. The impugned order also confirms that, per judgment and decree obtained by him, he has been permitted usage of water from ayacut canal. Despite the same, petitioner claims to be facing difficulties from the adjacent



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land owners, for which purpose he has filed several complaints. The petitioner also filed W.P.No.7200 of 2019 and by order dated 10.04.2019, the respondents were directed to consider the request of the petitioner to obtain sluice for irrigation of his lands.

6. Pursuant to that direction, an order was passed on 21.05.2019 confirming that there was no objection for the Iyar sluice and further, that the petitioner in light of the orders obtained by him in Civil Court was entitled for the waters obtained from ayacut canal.

7. The petitioner is now aggrieved by the list of ayacutdars, which omits his name. As against the order rejecting his request for inclusion of his name in Ayacutdars list, he has filed an appeal in terms of Section 5 of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959 before the 1st respondent, the District Collector, Coimbatore District.

8. Mr.G.Nanmaran confirms that the appeal filed by the petitioner is yet to be considered and pending disposal.

9. There are several disputed position of facts that would best left to the authorities to decide in considering the prayer in the appeal. Hence, this court is of the considered view that it would be appropriate to direct the District Collector/R1, before whom the appeal is pending, to hear the petitioner and pass orders thereupon.



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10. Mandamus is hence issued to R1 to issue notice to the petitioner calling upon him to appear for a personal hearing, consider all documents that he may file including the documents that have been filed as a part of the Writ petition and pass orders in the appeal, all within a period of six (6) weeks from today.

11. In light of the aforesaid directions, there is no necessity to intervene in order dated 24.01.2024, as the needful will be done by the District Collector in disposing the appeal.

12. This writ petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

21.02.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
mpl

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