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W.P.No.7169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7169 of 2022

and

W.M.P.No.7195 of 2022

M.Murugesan

...Petitioner

-Vs-

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub Collector,
(Election Officer),
Pollachi.

3.The Tahsildar,
(Assistant Election Officer),
Anaimalai.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Declaration, declaring the Form 5 A, dated 16.01.2021 published in the Coimbatore District Gazette, on the file of the first respondent, as null and void, in so far it does not include the name of the petitioner in the members list of Vettaikaranpudur Canal Marchanikanpalayam Village Water Users Association and to consequentially conduct the election to the office bearers of the association after inclusion of the petitioner's name, within a time frame.



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For Petitioner : Mr.P.Raja

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

This Writ Petition has been filed declaring the Form 5A, dated 16.01.2021 published in the Coimbatore District Gazette on the file of the first respondent as null and void.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner owned land in Odaiyankulam Village, Pollachi to an extent of 4 acres and 3.32 cents comprised in survey No.91. He was using water resources from nearby Vettaikaranpudur Canal. The petitioner and his wife became members of the Vettaikaranpudur Canal Marchanaikanpalayam Village Water Users Association in Zone IV. In the said Association, the petitioner was selected as the President in the year 2009. However, by the proceedings dated 08.03.2022, the first respondent had issued a notice with regard to the election to be conducted for the year 2022, to elect the office bearers of the said Association. When the petitioner proposed to contest the election for the post of President, Vice President and other Committee



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Members, he submitted his nomination. However, on the said date, the petitioner was informed that his name and his wife's name did not find a place in the membership list of the said Association. The specific contention of the petitioner is that the petitioner and his wife's name were deleted from the membership list of the said Association. Now the consequential prayer has become infructuous, because the election was over.

4. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner violated the conditional norms and he had used the water for commercial purpose and not for irrigation purpose. Therefore, on receipt of several complaints from other members, the petitioner's name as well as his wife's name were deleted from the membership list of the said Association. However the petitioner submitted a representation to the second respondent to include his name in the Association on 18.03.2022.

5. Therefore, the petitioner is at liberty to submit fresh representation to the first respondent to include his name in the Association within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance



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with law within a period of twelve weeks thereafter.

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6. With the above direction, this writ petitions stands disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

02.04.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

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G.K.ILANTHIRAIYAN. J.

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