



WEB COPY



W.P.No.20972 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.20972 of 2018
and
W.M.P.No.24622 of 2018

P.Kanagaraj

...Petitioner

-Vs-

1.The District Collector,
Tiruppur District.

2.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.

3.The Tahsildar,
Udumalpet Taluk,
Udumalpet,
Tiruppur District.

4.P.Vidhya Sekar

5.P.Paneerselvam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, forbearing respondents 1 to 3 from removing or causing any damage to the pipeline laid by the petitioner in S.F.Nos.246/2, 245/2, 244/2, 240/2, 247 in



W.P.No.20972 of 2018

Udumalpet Village, S.F.Nos.101/2, 100/2, 99/2, 107/2, 123/2, 114/2, 113/2, 117/2, 118/2, 146/2, 147/C2, 149/C1, 149/B2, 149/A2 in Ganapathipalayam Village, S.F.Nos.43, 44/1B, 45/2, 46/2, 47/2, 52/2, 54/2, 55/2, 56/2, 57/2, 58/3, 15/2, 14/2, 149, 150 in Poolankinar Village and S.F.Nos.75, 83 and 81/2 and the S.F.Nos.186/3, 188/1A and 190 in Udumalpet Village, except under due process of law, by considering petitioner's representation dated 16.07.2018 and pass such orders.

For Petitioner	:	Mr.S.Thangavel
For R1 to R3	:	Mrs.R.L.Karthika Government Advocate
For R5	:	Mr.M.Sivavarthanan
For R4	:	No appearance

ORDER

This petition is filed for issuance of a Writ of Mandamus, forbearing respondents 1 to 3 from removing or causing any damage to the pipeline laid by the petitioner in S.F.Nos.246/2, 245/2, 244/2, 240/2, 247 in Udumalpet Village, S.F.Nos.101/2, 100/2, 99/2, 107/2, 123/2, 114/2, 113/2, 117/2, 118/2, 146/2, 147/C2, 149/C1, 149/B2, 149/A2 in Ganapathipalayam Village, S.F.Nos.43, 44/1B, 45/2, 46/2, 47/2, 52/2, 54/2, 55/2, 56/2, 57/2, 58/3, 15/2, 14/2, 149, 150 in Poolankinar Village and S.F.Nos.75, 83 and 81/2 and the S.F.Nos.186/3, 188/1A and 190 in Udumalpet Village, except



W.P.No.20972 of 2018

under due process of law, by considering petitioner's representation dated

16.07.2018.

2. The case of the petitioner is that on 04.03.2010, the petitioner acquired the agricultural land comprised in S.F.Nos.76/A, 76/1B1, 81/1, 73/A, and the well situated in S.F.No.81/1 situated in Venasapatti Village, Udumalpet Taluk, Tirupur District, by virtue of the settlement deed and had cultivated a coconut thope in the said properties. As there was no sufficient water to irrigate the coconut thope in the well, the petitioner purchased another land in S.F.No.186/2, Udumalpet Village, which has the potential to supply the required water for irrigation and dug a well in the said land on 30.04.2014. On 12.05.2015 the petitioner obtained permission from the Tahsildar, Udumalpet Taluk to lay a pipeline for taking water from the well in the land at Udumalpet Village to the coconut thope in Venasapatti village, which is valid for period of 5 years i.e, from 12.05.2015 to 12.05.2020. Pursuant to the said permission, the petitioner laid the pipeline for about 6 kilometres, by availing a huge sum of Rs.60 lakhs as hand loans from the 4th respondent and his friends. Based on the petition filed by the 5th respondent for removing the pipeline laid by the petitioner, the 3rd respondent has sent a notice dated 07.06.2018 to the petitioner calling upon him to appear before



W.P.No.20972 of 2018

him on 04.07.2018 with relevant records. The 4th respondent and his friends had executed a sale deed dated 12.07.2018, transferring their entire rights to the petitioner, which was earlier conveyed to them as security. On 16.07.2018 the petitioner appeared before the 3rd respondent and submitted his representation. Respondents 2 and 3 were taking steps to cancel the permission and remove the pipeline at the instigation of respondents 4 and 5, without following due process of law. Hence, the petitioner filed a suit in O.S.No.280 of 2018 on the file of the District Munsif Court, Udumalpet, praying for permanent injunction restraining respondents 1 and 2 and their subordinates from cancelling the order dated 12.05.2015 vide Pa.M 8879/2014/A2 issued by the 3rd respondent except under due process of law and for other reliefs. On coming to know of the suit filed by the petitioner, persons claiming to be from the revenue department, came to the property with JCB machine and made a threat that they were going to remove the pipeline, even while the petitioner's representation is pending consideration and the permission is valid upto 12.05.2020. Therefore, the writ petition is filed.

3. Learned counsel for the petitioner submitted that pending writ petition, the license for taking water through pipelines has been renewed for the period from 03.06.2020 to 03.06.2025 (5 years) vide proceedings



W.P.No.20972 of 2018

Pa.Mu.2907/2020/A2 dated 03.06.2020 by the Tahsildar, Udumalpet.

WEB COPY

4. Learned Government Advocate appearing for respondents 1 to 3 submitted a written instruction of the Tahsildar, Udumalpet, vide Ref.No.768/2018/A1 dated 01.07.2024, in which it is stated as follows:

“It is submitted that Thiru. P.Panneerselvam 5/0 N.Periasamy 20 A, Abirami Nagar Udumalpet has alleged that the Petitioner Thiru. Kanagaraj S/o Palanisamy used the water taken through the pipelines for commercial purposes violating the conditions. After enquiry on the allegations. The District Revenue Officer, Tirupur has instructed to the Revenue Divisional Officer Udumalpet to cancel the above Track Rent Permission vide: Ref.13318/2018/A1 dated 24.8.2018 as conditions are violated.”

5. Learned counsel for the 5th respondent submitted that the petitioner has renewed the license up to 03.06.2025 and he is violating the conditions as stated above.

J.SATHYA NARAYANA PRASAD, J.

In view of the above submission made by the learned counsel for the 5th respondent, if there is any violation by the petitioner, appropriate action shall be taken by the 2nd respondent as well as the 3rd respondent



W.P.No.20972 of 2018

in accordance with law.

WEB COPY

Accordingly, the **writ petition stands disposed of with the above observation and direction.** No costs. Consequently, connected miscellaneous petition is closed.

02.07.2024

cda

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The District Collector,
Tiruppur District.
- 2.The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
- 3.The Tahsildar,
Udumalpet Taluk,
Udumalpet,
Tiruppur District.

W.P.No.20972 of 2018