



W.P. No.9307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE **Mrs. JUSTICE V. BHAVANI SUBBAROYAN**

W.P. No.9307 of 2024
and W.M.P.No.10324 of 2024

M.Vijayalakshmi

.. Petitioner

Versus

- 1.The District Collector,
Thiruvannamalai District,
Collectorate Office,
Vengikkal,
Thiruvannamalai – 606 604.
2. The Block Development Officer
(Village Panchayat),
Arni,
Thiruvannamalai District- 632 301.
3. The President,
Sirumoor Panchayat,
Arni Taluk,
Thiruvannamalai District – 632 314.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action to prevent the third respondent or any one from undertaking dredging or any other work affecting the existing irrigation channel in Survey No.271/1, 271/2, 271/3 of Sirumoor Village, Arni taluk, Thiruvannamalai



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District running from West to East with mouth connecting lake on Eastern side, without the permission and supervision of the first and second respondent.

For Petitioner : Mr.T.V.Badrinarayanan

For Respondents : Mr.K.Surendran
Additional Govt. Pleader for R2 & R3

Mr.M.Shahjahan
Special Govt. Pleader for R1

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to take necessary action to prevent the third respondent or any one from undertaking dredging or any other work affecting the existing irrigation channel in Survey No.271/1, 271/2, 271/3 of Sirumoor Village, Arni Taluk, Thiruvannamalai District running from West to East with mouth connecting lake on Eastern side, without the permission and supervision of the first and second respondent.

2. The case of the petitioner is that she is the owner of the agricultural land comprising an extent of 2.83 Cents in Survey Nos.271/1, 271/2, 271/3 of Sirumoor village, Arni Taluk, Thiruvannamalai District. There exists a natural irrigation channel running from west to east on the southern side of the petitioner's land to a distance of 3 km. which has its beginning from the conduit



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connected to a Natural Water Body (Lake) also existing from time immemorial.

The petitioner's son M.Gopinath as one of the co-owners of an undivided share has filed a writ petition seeking direction to the respondents 1, 2 and 3 to stop the flow of sewage waste from the open drainage system of Sirumoor Village residential colony into the irrigation channel forming boundary on the southern side of the petitioner's land in the aforesaid survey numbers. The said Writ Petition was occasioned due to the act of the third respondent letting in sewage water from Sirumoor Housing Colony into the irrigation channel causing seepage into the petitioner's agricultural lands during the months of October, November and December, 2021. As a result the petitioner's land was extensively affected.

3. It is the contention of the petitioner that in the last six months certain vested interest elements with the involvement of the third respondent are keen to destroy the features of the irrigation channel and lay a road thereon for the purpose of transportation of harvested agricultural products from their lands to village road. In the month of June, 2023 certain purported measurement activities were undertaken at the site of the petitioner's land as well as other neighbouring lands purportedly for the purpose of measuring the irrigation channel for an alleged purpose of undertaking work of dredging. According to



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the petitioner, the second respondent is responsible for dredging and other works of maintenance. On enquiring through RTI, the second respondent had disclosed that there is no proposal for dredging work in the irrigation channel under consideration. But there is a permission said to have been given by the first respondent to the second respondent to carry out dredging work. Again in the month of January, 2024 unknown elements came and undertook activities of digging and dredging the soil in the irrigation channel from the point of the petitioner's land situated on the northern side of the channel with at least one JCP Machine. The work has been done only from the point of the petitioner's land to a distance of around 200 meters of irrigation channel by the third respondent with the active support of vested interested elements which clearly indicates that there is an ulterior motive behind these activities other than dredging and deepening the channel. Moreover the dredging of the irrigation channel from the mouth of the water body up to the point of the petitioner's land on the Eastern side has not been carried out which is contrary to the information furnished by the second under the RTI Act, 2005 which is to the effect that the third respondent neither has power to do dredging in her individual capacity nor as Sirumoor Village Panchayat Head. So it is illegal and actionable at the behest of respondents 1 and 2. It is duty of the first and second respondent to deal with the properties such as water bodies and irrigation channels.



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4. In this regard the petitioner has issued many representations to the first and second respondent. However there is no action on the part of the respondents. Hence, the petitioner has filed a writ petition in W.P.No.3029/2024 seeking direction to the first and second respondent to act upon the representation and take steps to stop the third respondent and anybody involved in carrying out purported activities of dredging or in any other manner damaging the irrigation channel in said Survey Nos. This Court permitted the petitioner to withdraw the said writ petition as the petitioner has not made personal representation and granted liberty to make a fresh representation. The petitioner has also made representation dated 19.02.2024 to the first and second respondent to take necessary action to restore its original form and to act against any illegal and unauthorized activities altering the features of the channel. Despite the respondents received the representations, no action has been taken by them so far. Hence, the petitioner has filed this present writ petition.



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5. The counter filed by the second respondent would state that the rain water irrigation channel is running through the southern side of the petitioner's land and the channel is blocked by the channel bed and it has been closed. Due to the blockage, the rain water flow is diverting to so many directions and hence the channel bed was dugged and the bud has been created using the soil. No thar roads or any concrete construction has been carried out in the petitioner's land or in the irrigation channel.

6. The learned Additional Government Pleader appearing for the second and third respondents submits that no such steps as alleged by the petitioner have been initiated to lay thar road. Instead, only to deepen the said channel dredging work has been carried out and mud has be carved out. The learned Additional Government Pleader has also produced the letter of the second and the third respondent to the effect that no activities involving laying of thar roads has been carried on the irrigation channels.

7. It is seen from the photographs that only deepening process has been carried out in the irrigation channel and no materials is produced to show that the respondents are going to lay thar roads. Considering the submission of the learned Additional Government Pleader and also considering the letters of the



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second and the third respondent, this Court is inclined to close the writ petition as there is no such proposal for converting the irrigation channels into that of a road.

8. Accordingly, this Writ Petition is closed. No costs. Connected miscellaneous petition is closed.

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Index: Yes / No
Speaking order / Non speaking order
Neutral Citation Case: Yes / No
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V. BHAVANI SUBBAROYAN, J.,

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To

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