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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9025 of 2020

and

W.M.P.Nos.10979, 10983, 10985, & 11058 of 2020

1.Puthukaattu Vaaikkaal Neer
Pasana Vivasayigal Nala Sangam,
Represented by its President
Mr.K.R.Krishnasaamy (Deceased)
having Office at No.5, Ramasamy Street,
Kaaramarathur, Ikkarai Poluvampatti,
Zahirnaicken Palayam Post, Via
Thondamuthur, Coimbatore.

2.Puthukaattu Vaaikkaal Neer
Pasana Vivasayigal Nala Sangam,
Represented by its President
Mr.K.K.Sampathkumar
having Office at No.5, Ramasamy Street,
Kaaramarathur, Ikkarai Poluvampatti,
Zahirnaicken Palayam Post, Via
Thondamuthur, Coimbatore.

... Petitioners

[P2 Substituted as the petitioner of deceased P1, as per order dated
10.01.2024 in WMP.No.27096/2023 in WP.No.9025/2020]

Vs.

1.The District Collector,
Coimbatore District.



2.The District Revenue Officer,
Coimbatore District.

3.The Chief Engineer,
Public Works Department – Water Resources,
Coimbatore.

4.The Chief Engineer,
Public Works Department – Water Resources Department,
State Ground and Surface Water Resources Data Centre,
Tharamani, Chennai – 600 113.

5.The Assistant Engineer,
TNEB,
Devarayapuram,
Perur Taluk,
Coimbatore (Dt).

6.Mr.A.Yuvaraj

7.Mrs.Uma Maheswari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to proceedings dated 21.09.2019, bearing Pa.Mu.9936/2019/E1 of the 2nd respondent and quash the same and consequentially direct the respondents herein to restore Status Quo Ante by filling up the pit in the River Bed of Kanchima Nathi and also by removing the Pipelines, Motors, Pump Sets, Sand Piles, etc., in lands in S.Nos.1065/2B, 794/1B and 794/2 at Ikkarai, Poluvampatti Village, Perur Taluk as well as at Semmedu Village, Narasipuram Village, Zahirnaicken Palayam Village, Devarayapuram Village and Thodamudhur Village.



For Petitioners	: Mr.V.Anandha Murthy
For R1 to R4	: Mr.G.Krishna Raja Additional Government Pleader
For R5	: No Appearance
For R6 & R7	: Mr.V.S.Senthil Kumar

ORDER

The order dated 21.09.2019 granting permission to the petitioner to lay underground pipe line for transporting water for irrigation for a longer distance is under challenge in the present writ petition.

2. The learned counsel for the petitioner would submit that the permission was granted to lay pipeline for 11452.8 meters. However, the permission granted is beyond the power conferred on the District Revenue Authorities.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 based on the written instruction given by the District Collector, Coimbatore would submit that the permission granted for two



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years was expired and no renewal was granted. The Enquiry Officer / Revenue Divisional Officer, Coimbatore South has stated that the respondents 6 and 7 have laid underground pipeline to the extent of 1050 meters to transport water from S.Nos.1065/2B, 794/1B and 794/2 at Ikkarai, Poluvampatti Village, Perur Taluk to the Semmedu Village, Narasipuram Village, Zahirnaicken Palayam Village, Devarayapuram Village and Thodamudhur Village. It is further stated that any laying of pipeline in the said area has been stopped by 07.09.2020 after the Revenue Division Officer's enquiry. Moreover the respondents 6 and 7 did not submit any application for renewal of pipe laying after 2022. The validity of the District Revenue Officer proceeding P.A.Mo.9936/2019/D1 dated 21.09.2019 expired.

4. The learned counsel for the respondents 6 and 7 would submit that no pipeline has been laid as such alleged by the petitioner. However, during the enquiry the District Revenue Officer found that the underground pipe line was laid to an extent of 1050 meters.



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5. In view of the facts and circumstances, the respondents 6 and 7 shall remove the pipe line within a period of four (4) weeks from the date of receipt of a copy of this order, failing which the respondents 1 to 5 are directed to remove the pipe line at the cost of the respondents 6 and 7.

6. With the above said directions, this Writ Petition stands disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

10.01.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector,
Coimbatore District.
- 2.The District Revenue Officer,
Coimbatore District.
- 3.The Chief Engineer,
Public Works Department – Water Resources,
Coimbatore.



W.P.No.9025 of



4.The Chief Engineer,
Public Works Department – Water Resources Department,
State Ground and Surface Water Resources Data Centre,
Tharamani, Chennai – 600 113.

5.The Assistant Engineer,
TNEB,
Devarayapuram,
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Coimbatore (Dt).



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S.M.SUBRAMANIAM, J.

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