



W.P.No.17216 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

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

W.P.No.17216 of 2021  
and  
W.M.P.No.18229 of 2021

S.Prakash Babu

... Petitioner

Vs

1. The District Collector,  
Coimbatore District,  
Coimbatore.
2. The District Revenue Officer,  
Coimbatore District,  
Coimbatore.
3. The Revenue Divisional Officer,  
Pollachi Taluk,  
Coimbatore District.
4. The Tahsildar,  
Pollachi Taluk,  
Coimbatore District.
5. The Assistant Engineer,  
Public Works Department,  
Camp Division, Pollachi  
Coimbatore District.



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6. The Executive Engineer (PWD),  
Water Resource Management,  
Aliyaru Basin Division,  
Pollachi,  
Coimbatore District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the sixth respondent in Letter No.103m/Thoo nu pi/Ko10/2021 dated 03.08.2021 and the fifth respondent in Letter No.24/ko7 dated 05.08.2021 and the fifth respondent in Letter No.25/Kp.12/Uu.Po.(Mugaam) / 2023 dated 17.02.2023 and quash the same as illegal in competent and ultra vires and consequential direct the fourth to sixth respondents to restore the petitioner's license dated 06.07.2005 and permit the petitioner to draw water from S.No.261/1A1 to 201/1, 2, 3 and 203/1 in Sijuvadi Village, Pollachi Taluk through alternative track route. (*Prayer amended as per order dated 27.11.2023 in W.M.P.No.20281 of 2023 in W.P.No.17216 of 2021*)

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.T.Chandrasekaran,  
Special Government Pleader



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## ORDER

This Writ Petition has been filed challenging the orders passed by 03.08.2021, 05.08.2021 and 17.02.2023 , thereby the fifth and sixth respondents cancelled the permission granted to the petitioner to lay pipe line crossing in the canal maintained by the sixth respondent.

2. The petitioner owned the land comprised in S.F.Nos. 201/1, 2, 3, 203/1, 262/1A2 and 254/4 situated at Sinjuvadi Village, Pollachi Taluk. The petitioner is the co-owner of the common Well situated in S.F.No.262/1A1 at Sinjuvadi Village. In order to cultivate the agricultural fields, he has to draw the water from the said Well and as such, the petitioner submitted an application before the fifth respondent seeking permission. The authorities considered the request made by the petitioner and permission was granted by the sixth respondent, vide proceedings dated 06.07.2005 to draw the water from his Well to irrigate the same to other land, which is also owned by him. He obtained permission to lay pipe to the patta land owned by the different persons and it also crosses the Parampikulam main canal. The petitioner obtained No Objection Certificate



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from the other land owners and accordingly, he laid pipe line. The said permission was subsequently renewed in the year 2019. While that being so, one of the pattadarar, viz., Vijayasekaran son of Chinnasamy, who is the owner of S.F.No.255/3, due to personnel animosity, destroyed the petitioner's pipe line, which was running through his patta land. Therefore, the petitioner found alternative way and laid pipe line without obtaining permission from the sixth respondent. Hence, the sixth respondent passed the impugned ordering dated 03.08.2021 ordered to remove the pipe line.

3. While pending this Writ Petition, an Advocate Commissioner was appointed and on his inspection, the petitioner had removed the pipe lines, which were laid in the land that belongs to the Government. However, this Court directed the petitioner to submit fresh application seeking permission to lay the pipe line on the land that belongs to the Government. Accordingly, the petitioner submitted fresh application and it was pending without being considered so far. Now, the petitioner is unable to cultivate his land without any water for the past three years.



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4. Considering the above facts and circumstances, the sixth respondent is directed to consider the request made by the petitioner seeking permission to lay the pipe line through the Government land, after affording full opportunity of hearing to the petitioner and the aggrieved parties and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that wherever the pipe line goes through the private land, the petitioner ought to have obtained necessary permission from the private land owners and produce the same before the sixth respondent for consideration.

5. With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index:Yes/No  
Neutral Citation/Yes/No  
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**G.K.ILANTHIRAIYAN, J.**

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