



W.P.No. 16597 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 16597 of 2020

and

W.M.P.No.20586 of 2020

1. Pazaniyammal

2. K. Kumaravel

3. N. Selvaraj

4. A. Arjunan

5. V. Selvaraji

.... Petitioners

Vs.

1. The Principal Chief Engineer,
WRO, Public Works Department,
Chepauk, Chennai-05.

2. The District Collector,
Salem District, Salem.

3. The Sub Collector,
Mettur, Salem District.

4. The Tahsildar,
Mettur, Salem District.

.... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents from laying pipelines in the petitioners agricultural patta land at Survey Nos. 86/11, 89 and 90 Soorapalli Village, Mettur Division, Salem District, connecting Kuppampatti lake and Jalagandapuram lake, without due process of law.

For Petitioners : Mr.S.Parthasarathy

For all the Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The writ petition has been filed to forebear the respondents from laying pipelines in the petitioners' agricultural patta lands without due process of law.

2. Learned Additional Government Pleader, appearing on behalf of the respondents, based on the written instructions given by the Executive Engineer WRD, Sarabanga Basin Division, Salem dated 03.01.202, made a submission that it is proposed to divert flood water from Mettur Dam to 79 tanks in Salem District. The Jalagandapuram Eri in Surapalli Village is one



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among the above tanks which is proposed to be benefited from Kuppampatti Kuttai in Surapalli Village in Mettur Taluk in Salem District.

The scheme estimate, provision for land acquisition towards excavating new link canal from Kuppampatti, Kuttai to Jalagandapuram Eri is included. Necessary land acquisition proposal for acquiring patta lands have been prepared and approved by the Government. During survey of field, the pattadars raised objection against land acquisitions in their field. The channel is essential and necessary excavation has been carried out without effecting the livelihood of the pattadar. Since the land acquisition proceedings are initiated for the public purpose, the petitioner cannot raise any objection. However, the authorities have to enter into the land only after taking possession of the land by following the due process of law under the land acquisition act.

3. In view of the fact that the acquisition proceedings have already been initiated, the apprehension raised by the petitioners is untenable and the petitioners are at liberty to raise an objection if any at the time of conducting enquiry.



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4. Accordingly, the writ petition is disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The Principal Chief Engineer,
WRO, Public Works Department,
Chepauk, Chennai-05.

2. The District Collector,
Salem District, Salem.

3. The Sub Collector,
Mettur, Salem District.

4. The Tahsildar,
Mettur, Salem District.



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S.M.SUBRAMANIAM. J.,

(sha)

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