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W.P.No.18250 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18250 of 2024

M.K.Murthi

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Petitioner

vs

The District Collector,
Erode – 638 011,
Erode District.

2.The Assistant Director of Town and Panchayat
Collector Office Buildings
Erode – 638 011.

3.The Executive Officer
Kanji Kovil Town Panchayat
Perundurai Road,
Kanji Kovil, Erode – 638 116.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 3rd respondent from discharging drainage/sewage water into the petitioner's agricultural lands located in S.No.259/7B, 262/7A, 262/1D1, 262/4D1, 262/4D3, Kanji Kovil Village, Perundurai Taluk, Erode District based on the representation of the petitioner dated 12.04.2024.



For Petitioner : Mr.P.Kannankumar
For Respondents : Mr.Vadivelu Deenadayalan,
AGP for R3.
Mr.M.Venkateswaran,
Spl.GP for R1 and R2.

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. The case of the petitioner is that he is the owner of the agricultural land in S.Nos.259/7B. 262/7A. 262/1D1, 262/4D1, 262/4D3 and in other Survey numbers in Kanji Kovil Village, Perundurai Taluk, Erode District. The lands were purchased vide D.No.1553 of 2019 dated 13.06.2019 and D.No.1658/2011 dated 13.06.2011 before the Sub Registrar, Kavundapadi, Erode District. The 3rd respondent is putting up a canal to drain the sewage water, the canal is located adjacent to the agricultural lands and concrete canal was put up. At the fag end of the drainage canal, the drainage water drained from Muthugoundampalayam village is clogged and creating foul smell and causing health hazards and acting as a breeding centre for mosquitoes. The drainage overflowed will be drained to the petitioner's agricultural land which is located five feet below from the soak pit area,



hence the petitioner submitted a representation dated 09.10.2023 to the respondents 1 and 3.

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3. The petitioner is getting water for irrigation through lower Bhavani Project and seepage water generated from the land lying higher side. The seepage water for irrigation coming to lands from upstream to downstream through small canal and farmers including me are taking water from the seepage water from the surplus water in the downstream seepage water. The official respondents are trying to put up a soak pit and thereby the excess water will be drained in the seepage water canal which is used by the farmers for irrigation. The seepage water canal will damage the fertility of the agricultural lands and the farmers would put into irreparable loss and hardship, in the event of discharge of drainage / sewage water into the irrigation canal. Thereafter the petitioner made another representation dated 06.11.2023 to all the respondents to stop the drainage water damaging the agricultural lands and also to stall the work of installing soak pit near the agricultural lands. Subsequent to the representation dated 06.11.2023, the 3rd respondent making hectic attempts to directly link the sewage/drainage canal with the existing irrigation canal. The water flow move towards downstream in a natural manner, ultimately which will reach the irrigation



canal, which is located within 30feet. Without exploring alternative route, the 3rd respondent administration is adamant in locating the canal, damaging the livelihood of agricultural fields. The 3rd respondent for the vested reason compelling the petitioner to sell the property to them for cheaper price and for forming housing layout.

4. Once again, on 12.04.2024, the petitioner submits a detailed representation to all the respondents and others. In turn, the 3rd respondent by reply dated 09.05.2024, based on the Chief Minister's Special Cell Grievance Petition has informed that at present only rain water drain work is undertaken and drainage soak pit scheme is under consideration and after measurement by the Revenue Department, Perundurai further work will be initiated. On contrary to the reply dated 09.05.2024, the respondents undertaking the work of creating soak pit and to drain the sewage water in agricultural lands. Hence, the present petition has been filed by the petitioner.

5. The learned Additional Government Pleader for the third respondent on the instructions of the 3rd respondent/Executive Officer, Kanji Kovil, Erode submits that as per the 15th Finance Commission Scheme for



laying of storm water drainage in Ward No.8, Muthukavundapalayam Village by the Director of Town Panchayat in Na.Ka.4759/2020/Oo2 dated 22.05.2023 and after the technical sanction and the work was started on 23.06.2023 in S.Nos.260/1,3, 261/9,10,11, 259/7, 262/6,7 to an extent of 44.5cents road has been laid and converted the same into thar road for public usage. The rain water passing the road, damages the road frequently, hence they wanted to put up a storm water drainage and accordingly they have put up the construction and the petitioner herein had given an objection only to drain the rain water and planning arrangements were made to put up a soak pit at the end. According to the petitioner it is a drainage / sewage water canal and the same is denied by the 3rd respondent. Further, the petitioner has not clearly given the four boundaries of land as per Doc.No.2067 of 2007 and not mentioned in which place of the petitioner's land is affected by the scheme. Thereby, the authorities had directed the surveyor to measure the lands of the petitioner and others, for which the petitioner and others were objected to measure the said lands. Unless and until the petitioner's lands were demarcated, again and again the petitioner will be claiming the same. Further, in the instruction of the 3rd respondent it is clearly stated that in the said land no drainage / sewage canal work is



done and only the storm water canal is going on and no agricultural land will be damaged.

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6. Considering the above facts, this Court directs the petitioner to cooperate with the authorities in measuring the lands, which forms part of the side of the storm water drain, if at all the petitioner is having any other grievance, he shall approach the authorities in future by making proper applications to address such issue.

7. With the above observation, the writ petition is disposed of. No costs.

10.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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V.BHAVANI SUBBAROYAN, J.

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