



WEB COPY



W.P.No.20993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.20993 of 2023

and

W.M.P.No.20366 of 2023

Karupusamy

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. Parambikulam Aliyar Project,
Joint Field Inspection Committee,
Rep. by the Committee Head and
the Revenue Divisional Officer,
Coimbatore South.

3. The Chief Engineer (Distribution),
TANGEDCO Coimbatore Region,
Coimbatore.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide Na.Ka.No 7582 - 205 / 2022 / A1 dated 05.04.2023, quash the same



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For Petitioner : Mr.V.Anandamurthy

For Respondents : Mr.T.Venkatesh Kumar,
Special Government Pleader(for R1&R2);
Mr.L.Jaivenkatesh (for R3).
Mr.Arun Kumar Rajan (for R4 & R5);
Mr.A.Tamilvanam (for R6).

ORDER

The proceedings of the Chairman, Coimbatore South Division, Joint Monitoring Committee, dated 05.04.2023, is under challenge in the present writ petition.

2. The order impugned was passed to prevent illegal tapping of water by nearby project canals. Illegal tapping of water from canal and through digging well nearby the canal within the prohibited distance were identified by the authorities competent and actions are taken to disconnect all such illegal tapping of water, which would deprive the other Ayacutdars to get equal share of water for irrigation purposes.

3. The issues raised in the present writ petition are no more *res integra*. The issues are elaborately considered by this Court in



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W.P.Nos.10545 of 2015 & 957 of 2016 and several directions were issued to the Government to regulate the water distribution system to provide equal water to all the Ayacutdars in that locality for irrigation and other purposes. The said order of this Court has been taken by way of writ appeal in W.A.Sr.No.67305 & 67319 of 2022, which was also rejected. The directions issued by this Court have been complied with and the Government also passed orders regulating the water distribution to the Ayacutdars for irrigation and other purposes.

4. The relevant portion of the order in W.P.Nos.10545 of 2015 & 957 of 2016 is extracted hereunder:

47. Considering the factums established the following orders are passed:

(i)The Executive Engineer, Public Works Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore are directed to review the permission granted for extraction of water by private individuals and reassess the situations prevailing and accordingly regulate the same in accordance with the Government policy in force.

(ii)The Executive Engineer, Public Works



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Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore; the District Collector, Coimbatore; the District Collector, Tiruppur; the Tahsildar, Pollachi, Coimbatore, the Tahsildar, Kangayam, Tiruppur with the assistance of the Police department intensify the operations of tracing out illegal tapping of water in the entire locality and register criminal case if theft of water is identified or any mischief has been committed.

(iii) The Executive Engineer, Public Works Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore and the Police authorities on registration of criminal case communicate the same to the TANGEDCO authorities for effecting disconnection of electricity services.

(iv) The Executive Engineer, Public Works Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore; the District Collector, Coimbatore; the District Collector, Tiruppur; the Tahsildar, Pollachi, Coimbatore; the Tahsildar,



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Kangayam, Tiruppur are directed to blacklist the persons / farmers against whom criminal cases are registered, from availing the Government Welfare Schemes of Agriculture loan, subsidies for Seeds, Fertilizer etc., with the assistance of Agriculture and Horticulture Departments.

(v)The Executive Engineer, Public Works Department, Water Resource Organisation, Coimbatore; the Chief Engineer, Water Resource Organization, Coimbatore; the Superintending Engineer, Water Resource Organization, Coimbatore; the District Collector, Coimbatore; the District Collector, Tiruppur shall seek the assistance of respective Superintendent of Police for nabbing the offenders through local Police officials, informers and by operating drone cameras.

(vi)The respective official respondents are directed to issue appropriate instructions to all their respective subordinates for effective co-ordination of all the Government departments concerned for controlling the theft of water and mischief which are offences under IPC.

(vii)In order to ensure effective implementation of the directions issued by this Court as above, this case is directed to be listed under the caption ?For Reporting Compliance? on 25.01.2022 before this Court.

48. With the above directions, the Writ Petitions stand disposed of. Consequently, connected Miscellaneous



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Petitions are closed. No costs."

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5. The said order has been confirmed in the writ appeal in W.A.Sr.No.67305 & 67319 of 2022 by this Court.

6. In view of the above order's directions, issued by this Court to regulate the water distribution to Ayacutdars for irrigation purposes, the order impugned passed in the present writ petition deserves no merit consideration.

7. Thus, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.04.2024

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



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S.M.SUBRAMANIAM. J.,

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