



W.P.No.1183 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.1183 of 2021

Duraisamy

... Petitioner

Vs.

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.
- 3.The Tahsildar,
Tittagudi Taluk office,
Cuddalore District.
- 4.The Executive Engineer PWD,
Virudhachalam,
Cuddalore District.
- 5.The Assistant Engineer PWD,
Tittagudi,
Cuddalore District.
- 6.Elangovan
- 7.Jayaraman



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8.Ramasamy

9.Palanivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take appropriate action to release storage water from “Periya Eri” blocked by the respondents 6 to 9 and subsequently restrain the respondents 6 to 9 and some others from indulging unlawful activity of closing the shutter of “Periya Eri” Lake situated at Arukeri Village, Tittagudi Taluk, Cuddalore District in pursuance of petitioner's representation dated 17.12.2020.

For Petitioner : Mr.K.Karuppaiya Mooppanar

For Respondents : Mr.L.S.M.Hasan Fizal

Additional Government Pleader [R1 to R5]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action to release storage water from “Periya Eri” blocked by the respondents 6 to 9 and subsequently, restrain the respondents 6 to 9 and some others from indulging unlawful activity of closing the shutter of “Periya Eri” Lake situated at Arukeri Village, Tittagudi Taluk, Cuddalore District in pursuance of petitioner's representation dated 17.12.2020.



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2. The case of the petitioner is that, he is doing agriculture in his land comprising in Survey No.129/5 situated at Arukeri Village, Tittagudi Taluk, Cuddalore District admeasuring to an extent of 2.50 acres. There was a lake namely “Periya Eri” belongs to respondents 4 and 5, which was utilized for the purpose of preserving water to cultivate around 100 acres in and around the area for the welfare of farmers. The irrigation from the above said lake being utilized for cultivation by the petitioner and other adjacent land owners totally to the extent of 100 acres. Further, their entire cultivation and livelihood depends upon the said lake water which stored during North East rainy season and as of now, above mentioned lake gets full capacity on account of rainfall. However, the respondents 6 to 9 closed the shutter of the said lake, without the knowledge of the respondents 1 to 5. Therefore, the petitioner gave a representation to the respondents 1 to 5 to take appropriate action against the respondents 1 to 5 and subsequently release storage water from the said lake for cultivation. Since the same was not considered, the petitioner has filed the present writ petition before this court.



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3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this court issues a direction to the respondents 1 to 5 to take appropriate action to release storage water from “Periya Eri” blocked by the respondents 6 to 9 and subsequently, restrain the respondents 6 to 9 and some others from indulging unlawful activity of closing the shutter of the said lake by considering the petitioner's representation dated 17.12.2020, within a time frame that may be stipulated by this court.

4. Learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the petitioner not allowed other farmers to utilize the excess water, resulting in the respondents 6 to 9 blocked the water flow from sluice No.3. It is needless to mention at this juncture that both the petitioner and respondents 6 to 9 are not co-operating with the enquiry. Furthermore, all the efforts made to resolve the disputes were went in vein. More particularly, the petitioner gave a statement that the civil suit filed by him in O.S.No.93 of 2020 and I.A.No.231 of 2020 was also pending on the file of Sub-Judge, Tittagudi. Further, he submitted



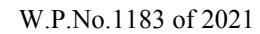
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that in order to maintain the water body and its safety, the 4th respondent have to release excess water as per the report submitted by the 3rd respondent dated 23.01.2021 not only for the usage of petitioner but also for other farmers in and around Arukeri, Melnemili village and thereby ensuring the water used for cultivation among all farmers and common public of the said village. Accordingly, he prays for dismissal of the writ petition.

5. It appears that there is a dispute with regard to drawal of water in between the petitioner and respondents 6 to 9 in the said lake. However, the grievance of the petitioner is that the respondents 6 to 9 closed the shutter of the said lake without any authority and the official respondents ought to taken action against the private respondents ensuring the release of water to all the farmers. Without doing so, the silence of the official repondents is wholly unsustainable.

6. In view of the above, the 1st respondent is directed to take appropriate decision for free flow of the water to the Ayacut Dharars from the said lake without affecting the ayacut rights of the petitioner as



7. With the above direction, this writ petition is disposed of. No

01.10.2024

Index : Yes / No
 Speaking order / Non-speaking order
 Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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