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W.P.No.22259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.22259 of 2024

and

W.M.P.Nos.24255 & 24265 of 2024

in

W.P.No.22259 of 2024

K.Venkatesan
S/o.Krishnan

.. Petitioner

Vs.

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.
2. The Tahsildar
Cheyyar Taluk
Tiruvannamalai District.
3. The Executive Engineer
Public Works Department
Cheyyar Taluk
Tiruvannamalai District.
4. The Assistant Engineer
WRO, Irrigation Department
Public Works Department
Kovilur, Cheyyar Taluk
Tiruvannamalai District.



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5. The Junior Engineer
WRO, Irrigation Department
Public Works Department
Kovilur, Cheyyar Taluk,
Tiruvannamalai District.

6. M.Murugan
S/o.Munusamy

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to letter in F.1/Vu.Po(Ko)/2024 dated 12.07.2024 of the 4th respondent herein and quash the same and consequently, direct the respondents, their men, agents, servants and anybody claiming through them or under them in any form or manner not to cut-open, dig out, connect, divert, form, construct, built any structure, canal, channel from the Thethurai Main Canal linking the Thenthandalam lake on the North of Arasur Village, Cheyyar Taluk, Tiruvannamalai District.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
For R1 to R5



W.P.No.22259 of 2024

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a 'communication / letter dated 12.07.2024 bearing reference No.F.1/Vu.Po(Ko)/2024 from R4 {the Assistant Engineer, WRO, Irrigation Department, Public Works Department, Kovilur, Cheyyar Taluk, Tiruvannamalai District} to R2 {the Tahsildar, Cheyyar Taluk, Tiruvannamalai District} and the Sub-Inspector of Police, Anakkavur Police Station, Anakkavur, Tiruvannamalai District, Cheyyar Taluk' {hereinafter 'impugned communication / letter' for the sake of brevity}. A scanned reproduction of the impugned communication / letter is as follows:



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2. Mr.W.M.Abdul Majeed, learned counsel on record for writ petitioner, who is before us submits that though the impugned communication / letter is not marked to writ petitioner, writ petitioner was favoured with a copy of the same and therefore, captioned WP has been filed on the basis of the copy which was furnished to writ petitioner.

3. Notwithstanding myriad grounds and averments in support writ affidavit, learned counsel drew our attention to three earlier orders made by three other Hon'ble Division Benches being orders dated 21.10.2009, 11.08.2023 and 10.04.2024 in W.P.Nos.25174 of 2006, 23413 of 2023 and 4051 of 2024 respectively.

4. Adverting to aforementioned three orders, learned counsel predicated his campaign against impugned communication / letter on the sole ground that R2 or for that matter R4 is not competent authority referred to in the earlier orders of other Hon'ble Division Benches.

5. Issue notice to official respondents.

6. Mr.P.Balathandayathum, learned Special Government



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Pleader accepts notice for respondents 1 to 5.

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7. Learned State counsel, on instructions, submits that the impugned communication / letter has been issued with the intention of implementing the directive of order of Hon'ble Division Bench dated 10.04.2024 in W.P.No.4051 of 2024 and more particularly paragraph No.5 thereat. Learned State counsel submits that measurements were not taken on 18.07.2024, it was rescheduled, a peace committee meeting was held by R2 and measurements are scheduled to be made today. Learned State counsel drew our attention to proceedings of R2 made in the peace committee meeting on 26.07.2024 and a scanned reproduction of the same is as follows:



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2024

Дата: 26.07.2024

அனாதிகுடும்பவாழ்ந்தது கூட்டம்

[illegible]

அ தரப்பினர்	ஆ தரப்பினர்
1.திரு.முத்துவர் த/பெருமுத்துசாமி	1.திரு.வெங்கட்டைன் த/பெ.திருமுத்துசாமி
2.திரு.சுப்பிரமணியன் த/பெ.திருவேலுசாமி	2.திரு.சீமன் த/பெ.மாணசாமிசாமி
3.திரு.பெரு த/பெ.மாணசாமிசாமி	3.திரு.அழகநாதன் த/பெ.மாணசாமிசாமி
4.திரு.மாணசாமி த/பெ.திருமுத்துசாமி	4.திரு.அழகநாதன்மாணசாமி
5.திரு.அழகநாதன் த/பெ.சுப்பிரமணியன்	5.திரு.மாணசாமி த/பெ.முத்துசாமி
அனைவரும் தொகுதித் தலைவர் கிளையம் செய்வார் தாழ்த்தினர், திருமாணசாமிமாணசாமி மாண்புமிகு	அனைவரும் தாழ்த்தினர் கிளையம் செய்வார் தாழ்த்தினர், திருமாணசாமிமாணசாமி மாண்புமிகு

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1. காவல் அலுவலர், பெயர் காவல் நிலையம்.
2. பள்ளி எழுத்தாண்டு உட்கட்டிடம், அமைக்கப்பட்டது.
3. தாவணம் நில அமைப்பு, பெயர்.
4. எழுத்தாண்டு அலுவலர், அமைக்கப்பட்டது.
5. உதவி பொருளாளர் தீவிர அலுவலர் அமைப்பு, பெயர்.
6. பொருளாளர் பொருளாளர், பெயர்.
7. காவல் நிலையம் அமைப்பு, அமைப்பு குழுவினருக்கு உதவி.

இக்கட்டத்தில் சென்னை ஊட்டம், தொழ்துறாமை மிராபம், சென்னை உயர் நீதிமன்ற வழக்கு W.P.4051/2024 தீர்ப்புறுத்தியது. தொழ்துறாமை மிராபம் எதிர்க்கு சென்னை ஊட்டம் பிள அளவீடு சென்னை மிகு துறையினால் கருத்து கேட்டவாறு மிராபம் குறித்து விவாதிக்கப்பட்டது. இதில் மிகு துறையினால் எதிர்க்கு சென்னை ஊட்டம் பிள அளவீடு அளவீடு குறித்து கோரப்பட்டது. அதன் அடிப்படையில் ஆதாரமின் எதிர் காலப்பாணம் அளவீடு ஒரு வார கால அளவீடு பிள அளவீடு மிகு துறையினால் கருத்து கேட்ட பிள அளவீடு (02-06-2024) அளவீடு அளவீடு சென்னை தொழ்துறாமை மிராபம், ஊட்டம் தொழ்துறாமை மிராபம்.

എഡ്വേർഡ് എ. ഹെയ്സ്, ഡി.എസ്.എസ്.

Gebruik:

நாள்: திருவண்ணாமலை (20.11.2017) ஆட்சித்துறையின் அலுவலருக்கு நகலனுக்காக (பணிநிறு) சமர்ப்பிக்கப்படுகிறது

நாள்: சார் ஆட்சித் துறைகளில் தகவல்களை பணிபுர சமீபத்தில் இருந்து.

நாடு: கரையல் ஆய்விதழர், செய்வார் கரையல் வட்டம்.

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1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 26



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8. As already alluded to supra, notwithstanding myriad grounds and averments made in the support writ affidavit, learned counsel for writ petitioner predicated his argument on the sole point that R2 or for that matter R4 will not qualify as 'Competent Authority' alluded to in the earlier WP orders dated 21.10.2009 and 10.04.2024 in W.P.No.25174 of 2006 and W.P.No.4051 of 2024 and more particularly paragraph 9 of 21.10.2009 order and paragraph No.4 of 10.04.2024 order.

9. 'Competent Authority' is neither a 'term of art' nor a 'statutorily defined expression'. There is a directive to the State to act vide order dated 10.04.2024 in W.P.No.4051 of 2024. Therefore, we deem it appropriate to say that we refrain from interfering in the matter and we would be giving a closure to WP (to be noted, main WP is taken up in the Admission Board with the consent of learned counsel on both sides) *inter alia* by preserving rights by R6 (private respondent) as we are acutely conscious that R6 is not before this Court.

10. Suffice to say that the outcome of measurements today (02.08.2024) in the form of report shall be furnished to writ petitioner {Mr.K.Venkatesan} as well as R6 (Mr.M.Murugan - private respondent).



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We preserve all the rights and contentions of writ petitioner as well as R6 and leave open all questions to assail the report, if permissible in law i.e., in a manner known to law, if the writ petitioner and / or R6 are aggrieved in any manner by the report.

Captioned WP disposed of in the aforesaid manner with the aforementioned observations and preservation of rights in the aforementioned manner. Consequently, connected writ miscellaneous petitions are disposed of. There shall be no costs.

(M.S.J.) (K.G.T.J.)
02.08.2024
(2/2)

Index:Yes
Neutral Citation: Yes
Speaking order

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To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.
2. The Tahsildar
Cheyyar Taluk
Tiruvannamalai District.
3. The Executive Engineer
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M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,
mk

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