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W.P.No.24403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24403 of 2024

and

W.M.P.Nos.26675 & 26676 of 2024

Parambikulam – Aliyar Project,
Thirumoorthi Reservoir Project Committee,
Rep. by its Chairman, K.Paramasivam,
R.Ponnapuram Post,
Mahalingapuram Via,
Pollachi Taluk,
Coimbatore District – 642 002.

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Coimbatore District – 641 018.
- 2.The District Revenue Officer,
Collectorate,
Coimbatore District – 641 018.
- 3.The Revenue Divisional Officer – Coimbatore (South)/
The Joint Action Committee Head,
Coimbatore (South) Revenue Divisional Office,
State Bank Road, Coimbatore – 641 018.
- 4.The Sub-Collector,



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Sub-Collector Office,
Pollachi – 642 001.

5.The Superintending Engineer, P.W.D, W.R.D.,
Parambikulam – Aliyur Basin Division,
Pollachi – 642 003.

6.The Executive Engineer, P.W.D, W.R.D.,
Parambikulam – Aliyur Basin Division,
Pollachi – 642 003.

7.The Assistant Engineer, P.W.D, W.R.D.,
Parambikulam – Aliyur Basin Division,
Sulthanpet, Coimbatore – 641 669.

8.The Superintendent of Police (Rural) Office,
State Bank Road,
Coimbatore – 641 018.

9.The Superintending Engineer – Coimbatore South,
TANGEDCO,
Tatabad, Coimbatore – 641 012.

10.The Executive Engineer,
TANGEDCO, Negamam,
Coimbatore District – 642 120.

11.The Assistant Engineer,
TANGEDCO, Malaipalayam Village,
Coimbatore District – 641 669.

12.The Assistant Executive Engineer,
TANGEDCO, Sultanpettai,
Coimbatore District – 641 669.

13.The Tahsildar,



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Kinathukadavu Taluk, Kinathukadavu,
Coimbatore District – 642 109.

14.The Tahsildar,
Sulur Taluk, Sulur,
Coimbatore District – 641 402.

15.C.Leelakrishnan

16.M/s.Remmy Substrates India (P) Ltd – Unit 1,
Rep. by its Managing Director,
S.F. No.295/2A, Kattampattipudur,
Kattampatti Post, Kinathukadavu Taluk,
Coimbatore District – 642 202.

17.M/s.Remmy Substrates India (P) Ltd – Unit 2,
Rep. by its Managing Director,
S.F. No.237/2A, Malaipalayam,
Dasanaickenpalayam Post,
Sulur Taluk,
Coimbatore District – 642 202.

18.J Sathyapriya

19.K.Balasubramaniam

20.K.Chandra Mohan

... 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 14 to take appropriate action by way of implementing the order passed by the 3rd respondent in his proceedings No.Na.Ka/4384/2020/A1 dated 14.10.2022 for preventing illegal extraction of water using excess horse power by way of disposing the petitioner's written representation dated 17.05.2024 within stipulated time as fix by this court.

For Petitioner : Mr.C.Prakasam



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For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader [R1 to R7,
R13 & R14]
Mr.L.Jai Venkatesh
Standing Counsel [R9 to R12]
Mr.L.Baskaran
Government Advocate (Crl.Side) [R8]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 14 to take appropriate action by way of implementing the order passed by the 3rd respondent in his proceedings No.Na.Ka/4384/2020/A1 dated 14.10.2022 for preventing illegal extraction of water using excess horse power by way of disposing the petitioner's written representation dated 17.05.2024 within stipulated time as fix by this court.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 7, 13 and 14, Mr.L.Jai Venkatesh, learned Standing Counsel accepts notice on behalf of the respondents 9 to 11 and Mr.L.Baskaran, learned Government Advocate (Crl.Side), accepts notice on behalf of the 8th respondent. With the



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consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order is passed against the respondents 15 to 20, notice to the respondents 15 to 20 is dispensed with.

4. The case of the petitioner is that, the private respondents 15 to 20 are illegally using excess horse power and drawing water from PAP canal for industrial purpose, which is contrary to the order passed by the 3rd respondent dated 14.10.2022. Hence, the petitioner has made a representation before the respondents 1 to 14 on 17.05.2024 to implement the order passed by the 3rd respondent to stop the illegalities and take appropriate action against the private respondents for illegal extraction of water. However, till date the respondents 1 to 14 has neither implemented the order of the 3rd respondent nor passed orders on the petitioner's representation dated 17.05.2024. Hence, the petitioner has filed the present writ petition before this court for appropriate orders.

5. Though very many grounds have been raised in the writ



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petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 3rd respondent to implement his own order dated 14.10.2022 as early as possible.

6. Learned Special Government Pleader appearing for the respondents 1 to 7, 13 and 14 submitted that the order of the 3rd respondent dated 14.10.2022 will be implemented within the time stipulated by this Court.

7. Considering the limited request made by the learned counsel for the petitioner, this court, without expressing any opinion on the merits of the case, directs the 3rd respondent to implement the order passed in his proceedings No.Na.Ka/4384/2020/A1 dated 14.10.2022, after providing opportunity to the necessary parties, including the private respondents 15 to 20 herein, within a period of four (4) weeks from the date of receipt of a copy of this order, if there is no legal impediment.



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8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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