



WEB COPY

1/4

W.P.No.33586/2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 05-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33586 of 2019

B.Shanmugam

...

Petitioner

-VS-

1.The Assistant Engineer,
Mettur Channel,
Mettur – 636 401.

2.The Executive Engineer,
Public Works Department,
Mettur Dam,
Mettur – 636 401.

3.The Asst. Executive Engineer,
Mettur Channel,
Komarapalayam,
Komarapalayam Taluk – 638 183.

4.Subramanian

5.Prakash @ Madhiyazhagan ...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the representation of the petitioner, dated 09.09.2019.



For Petitioner : Mr.B.Kumarasamy
For Respondents 1 to 3 : Mr.J.Ravindran,
Addl. Advocate General,
assisted by
Mr.A.Selvendran,
Special Government Pleader.
For Respondents 4 & 5 : No appearance

ORDER

(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition praying to direct respondents 1 to 3 to consider his representation, dated 09.09.2019.

2. Official respondents have filed a counter affidavit, wherein Paragraphs 4 and 5 read as under :

4. I humbly submit that as regards to averments in paragraph 5 of the affidavit is concerned, it is submitted that no encroachment will be allowed in the entire Kopu Vaikal and after receiving the survey report and earmarking the boundaries the encroachments in the vaikal will be removed and the Kopu Vaikal will be maintained with the actual width of 14 feet for the free flow of water. The public are free to use the vaikal as their access to their lands as only during irrigation season the water is discharged and even during that time there will at least around 9 feet space left for the public to commute through the vaikal.

5. I humbly submit that as regards to averments in paragraph 6 and 7 of the affidavit is concerned it is submitted that no encroachments are allowed in the water canals and the entire area is maintained free from encroachment and the free flow of the water is always maintained. Only recently the writ petitioner has made encroachment in the vaikal by making a higher platform thereby blocking the free flow of water. As soon as the report is received from the Thasildar, Edapadi Taluk necessary action will be taken to remove the encroachment. The writ petitioner has approached this Hon'ble Court by suppressing the actual facts and misled this Hon'ble Court. The above writ petition is bereft of any material facts and is liable to be dismissed.



WEB COPY



3. We make it clear that in case there is any encroachment made by anyone, including the petitioner, as stated by the respondents in Para 3 of the counter, such encroachment shall be removed, as the water channel/water-body needs to be maintained free from encroachment and there should be free flow of water. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

4. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.No.34046 of 2019 is closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
05-01-2024

To

1.The Assistant Engineer,
Mettur Channel,
Mettur – 636 401.

2.The Executive Engineer,
Public Works Department,
Mettur Dam,
Mettur – 636 401.

3.The Asst. Executive Engineer,
Mettur Channel,
Komarapalayam,
Komarapalayam Taluk – 638 183.

S.VAIDYANATHAN,J.



WEB COPY

4/4



W.P.No.33586/2019

AND
K.RAJASEKAR,J.

dixit

W.P.No.33586 of 2019

05-01-2024