



W.A(MD)No.753 of 2011 and
W.P.No.1456 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A(MD)No.753 of 2011 and W.P.No.1456 of 2006

and

M.P(MD)Nos.1 of 2014 and 1 of 2011 in W.A(MD)No.753 of 2011
and W.M.P(MD)No.1648 of 2006 in W.P.No.1456 of 2006

W.A(MD)No.753 of 2011:

Rayagiri Special Village Panchayat,
Rep. by its Chairman,
A.Jesi Manonmani,
Rayagiri 627 764,
Tirunelveli District.

... Appellant

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipality Administration and Water Supply Department,
Secretariat, Chennai-600 009.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Local Administration Department,
Secretariat, Chennai-600 009.

3. The Director of Rural Development,
Panagal Buildings, Saidapet,
Chennai-600 015.

4. The District Collector,
Tirunelveli District,



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Tirunelveli.

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5. The President,
Ullar Thalavaipuram Village Panchayat,
Vasudevanallur Taluk,
Tirunelveli District.

6. The Executive Officer,
Rayagiri Town Panchayat,
Rayagiri, Tirunelveli District.

7. The Block Development Officer,
Village Panchayat,
Vasudevanallur,
Sivagiri Taluk,
Tirunelveli District.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order
dated 22.07.2011 made in W.P(MD)No.1931 of 2005.

For Appellant	: Mr.T.Sekar
For R1 to R4 & R7	: Mr.Veera Kathiravan
	Additional Advocate General assisted by
	Mr.D.Sachikumar, Additional Government Pleader
For R5	: Ms.V.Janavi Devi for
	Mr.T.S.R.Venkataramana
For R6	: No appearance

W.P(MD)No.1456 of 2006:

A.Natchadalingam

... Petitioner

vs.

1. State of Tamil Nadu,
Rep by the Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,



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Chennai-600 009.

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2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Commissioner,
Vasudevanallur Panchayat Union,
Vasudevanallur,
Tirunelveli District.

4. The President,
Ullar Thalavaipuram Village Panchayat,
Rayagiri Post-627 764,
Sivagiri Taluk, Tirunelveli District.

5. The Executive Officer,
Rayagiri Special Panchayat,
Rajagiri-627 764,
Sivagiri Taluk, Tirunelveli District.

6. The Director of Town Panchayat,
Kuralgam,
Chennai-600 108.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to delimit and allocate the jurisdictional limits of Rayagiri Town Panchayat and Ullar Thalavaipuram panchayats by fixing boundaries pursuant to the recommendations dated 18.12.2003 made by the 6th respondent in his proceedings in Na.Ka.15046/2003/E6.

For Petitioner	: No appearance
For R1, R2, R5 & R6	: Mr.D.Suchikumar Additional Government Pleader
For R7 & R4	: No appearance



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COMMON JUDGMENT

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G.JAYACHANDRAN, J.

and

C.KUMARAPPAN, J.

W.P.No.1456 of 2006 is filed by one A.Natchadalingam for issuance of a Writ of Mandamus, directing the 1st respondent to delimit and allocate the jurisdictional limits of Rayagiri Town Panchayat and Ullar Thalavaipuram Panchayats by fixing boundaries pursuant to the recommendation dated 18.12.2003 of the 6th respondent. It was tagged with W.A(MD)No.753 of 2011 preferred by Rayagiri Special Village Panchayat represented by its Chairman who lost Writ Petition No.1931 of 2005 before the learned Single Judge filed for issuance of a Writ of Certiorari to quash the proceedings of the 4th respondent therein / District Collector, Tirunelveli, in respect of fishing rights in five tanks within Rayagiri Special Village Panchayat being handed over to Ullar Thalavaipuram Village Panchayat. Relying upon a civil suit decree in respect of the fishing rights, the writ petition was filed by Rayagiri Special Village Panchayat that by delimitation, the Collector has passed the impugned order handing over five tanks to Ullar Thalavaipuram Village Panchayat which is inclusive of fishing rights. The learned Judge while considering Writ Petition No.1931 of 2005 challenging the order



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passed by the District Collector found that writ petition is not maintainable since the rights sought already been settled by way of civil court decree and the pendency of an application to condone the delay in challenging the order passed by the Court below debars the writ petitioner from initiating parallel proceedings by way of a writ petition.

2. When both the writ petition filed by A.Natchadalingam and the writ appeal by Rayagiri Special Village Panchayat came up for consideration, a subsequent development was brought to the notice of this Bench namely, the Government has thought fit that the maintenance of water body must be divested from the local body and to be vested with the Public Works Department. The revenue derived must be shared equally between the Public Works Department and the Ayacutdars identified under the Irrigation Management Act. In the light of the said G.O., this Court finds that nothing survives in the writ petition as well as writ appeal. More particularly, in the writ petition, the administrative discretion on delimiting the boundaries of two village panchayats has been questioned and it being a policy decision of the State, there cannot be any judicial intervention by issuing a Mandamus. On that score also, the writ petition is liable to be dismissed besides non representation.



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3. As far as the writ appeal is concerned, as stated above, in view of the subsequent event in passing of the G.O., divesting the rights of the local panchayat over the water body, nothing survives and hence the writ appeal has become infructuous.

4. Learned counsel for the appellant submitted that pursuant to the interim order passed by this Court, the revenue derived so far from the water body is kept in a deposit and requests the Court to issue proper direction to distribute the fund as per The Tamil Nadu Farmer's Management of Irrigation Systems Act, 2000. The District Collector, Tirunelveli District, shall take note of the request and pass appropriate order in accordance with law.

5. In the result, the Writ Petition is dismissed and Writ Appeal is dismissed as infructuous. No costs. Connected miscellaneous petitions are closed.

(G.J., J.) (C.K., J.)
12.02.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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Municipality Administration and Water Supply Department,
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9. The Director of Town Panchayat,
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COMMON JUDGMENT MADE IN
W.P.No.1456 of 2006
and
W.A(MD)No.753 of 2011
DATED : 12.02.2024