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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.A.(MD)No.2071 of 2024
and
C.M.P(MD)No.14743 of 2024

Marimuthu .. Appellant/Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi.

2.The Executive Engineer,
Chittaru Irrigation Division,
Tenkasi District.

3.The Executive Engineer,
Highways Department,
Kadayanallur,
Tenkasi District.

4.The Block Development Officer,
Kadayanallur Panchayat Union,
Tenkasi District.

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5.V.Palanisamy

6.Sankaranarayanan

7.P.Suresh Kumar

8.Anna Mani .. Respondents/Respondents

PRAYER: Writ Appeal under Clause 15 of Letters Patent Act praying to set aside the order dated 11.01.2024 made in W.P.(MD)No.28497 of 2023.

For Appellants : Mr.G.Prabhu Rajadurai

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader
for R1 to R4

: Mr.N.Shanmuga Selvam
for Mr.P.Murugesan
for R5 & R6

: Mr.S.Kumar
for R7 & R8

JUDGMENT

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.)**

The dispute relates to riparian rights over water flowing from the western ghats as well as the sharing of water from ghats of two different irrigation

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systems. The District Collector has passed orders for maintenance of ratio between the two Ayacutdhars. The said proceedings was the subject matter of challenge before the Writ Court. While faulting the Collector for not taking into account the entire irrigation system, the Writ Court, however, directed the parties to approach the civil Court since the exact proportion in which the water has to be shared would depend on evidence. Aggrieved over the same, one set of Ayacutdhars are before this Court. We are unable to interfere with the conclusions of the Writ Court, particularly, on the aspect of the maintainability of the writ petition and resolution of dispute over the riparian rights under Article 226 of the Constitution of India. We, therefore, do not find any merit in the appeal.

2. We, therefore, make it clear that if anyone of the parties choose to institute civil proceedings, the civil Court will decide the issue independently, without being influenced by any of the observations made in this proceedings by the Writ Court or in the order of the District Collector.

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3. The Writ Appeal is dismissed with the above observation. The parties are directed to maintain *status quo* for four weeks.

(R.S.M., J.) (S.M., J.)
22.10.2024

NCC : Yes/No
Index : Yes / No
PJL
To
1. The District Collector,
Tenkasi District, Tenkasi.

2.The Executive Engineer,
Chittaru Irrigation Division,
Tenkasi District.

3.The Executive Engineer,
Highways Department,
Kadayanallur,
Tenkasi District.

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R.SUBRAMANIAN, J.
and
SUNDER MOHAN, J

PJL

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