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W.P.(MD)NO.7787 OF 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7787 of 2024

Palanivel

... Petitioner

Vs.

1. The Executive Engineer,
Water Resource Department,
Cauvery Basin Division, Thanjavur.

2. The Assistant Executive Engineer,
Water Resource Department,
Cauvery Basin Sub Division,
Kumbakonam Thanjavur.

3. The Assistant Engineer,
TANGEDCO,
Thippirajapuram.

(R-3 is suo motu impleaded vide order dated 12.06.2024)

...

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned letter passed by the first respondent No.165M/2024/கோ.15/NOC/இ.வ.அ-2 dated 04.03.2024 and quash the same and consequently directing the first respondent to grant NOC to the petitioner to lay the 4' inch water



pipeline through S.No.230/2, Udaiyaloor Cannel, Section B3 Pallavaikkal situated in Thillayuambur Village, Kumbakonam, Thanjavur District and grant such other and further relief which this Court deems fits fit and proper in the circumstances of this case.

For Petitioner : Mr.RM.Arun Swaminathan

For R-1 & R-2 : Mr.D.Sasikumar,
Additional Government Pleader.

For R-3 : Mr.S.Deenadhayan,
Standing counsel.

* * *

O R D E R

Heard the learned counsel on either side.

2. The petitioner is having lands in Thillaiyampur Village, Kumbakonam Taluk in Thanjavur District. The petitioner wants to lay 4' inch water pipeline to his lands. The pipeline would have to run through survey No.230/2 in Udaiyaloor canal. Permission has been refused by the first respondent. Challenging the same, the present writ petition came to be filed.

3. The learned Additional Government Pleader appearing



for the first respondent primarily contends that if the pipeline is laid, it will affect the slope level of the canal and that when dredging operations take place, there will be some difficulties.

4. Both the objections will have to be taken note of. If the petitioner can lay the pipeline in such a manner so that the slope level is not affected, the first respondent may not have any objection. It is for the petitioner to satisfy the first respondent in this regard. The petitioner shall appear before the first respondent and demonstrate that it is possible to lay the pipeline in such a manner as to address the concerns set out before this Court as well as in the impugned order. In that event, the first respondent shall permit the pipeline to be laid. In the event of the first respondent granting permission, the pipeline will have to be laid under the supervision of the officials of the Water Resources Department. The petitioner shall appear before the first respondent on 22.07.2024 at 3.00 p.m. and give a representation setting out the manner in which the pipeline will be laid. If the first respondent is satisfied, it is well and good. Otherwise, the first respondent will have to pass a



speaking order. The entire exercise will be completed within a period of four weeks from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs.

11.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Executive Engineer,
Water Resource Department,
Cauvery Basin Division,
Thanjavur.
2. The Assistant Executive Engineer,
Water Resource Department,
Cauvery Basin Sub Division,
Kumbakonam Thanjavur.
3. The Assistant Engineer,
TANGEDCO,
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G.R.SWAMINATHAN,J.

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