



**W.P.(MD)No.10084 of 2024**

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

**DATED: 30.04.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**and**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.(MD)No.10084 of 2024**

D.Ramesh

: Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Executive Engineer,  
Periyar Vaigai Irrigation Board,  
Public Works Department,  
Thallakulam,  
Madurai – 625 002.

3.The Assistant Engineer,  
Periyar Vaigai Irrigation Board,  
Public Works Department,  
Thallakulam,  
Madurai – 625 002.

4.The Tahsildar,



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North Taluk,  
Madurai District.

5.The Superintendent of Police,  
Madurai,  
Madurai District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to take appropriate action against miscreants who are indulging in illegal opening of the sluice gate of Thodaneri Kanmoi (Tank) and to stop illegal draining of water from Thodaneri Kanmoi (Tank) and lock the sluice gate immediately and to strictly follow the water opening schedule fixed by the competent authority.

For Petitioner : Mr.B.Vijayakarthiskeyan  
for Mr.S.Sankar

For Respondents 1 to 4 : Mr.P.Thilak Kumar  
Government Pleader

For Respondent No.5 : Mr.S.S.Madhavan  
Government Advocate [Crl. Side]



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**O R D E R**

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**[Order of the Court was made by R.SURESH KUMAR, J.]**

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to take appropriate action against miscreants who are indulging in illegal opening of the sluice gate of Thodaneri Kanmoi (Tank) and to stop illegal draining of water from Thodaneri Kanmoi (Tank) and lock the sluice gate immediately and to strictly follow the water opening schedule fixed by the competent authority.

**2.** Heard the learned Counsel on either side.

**3.** With regard to the complaint that has been made by the petitioner that some individuals are illegally opening the sluice gate of Thodaneri Kanmoi [Tank], by thus, the water is getting dried, on a *prima facie* enquiry, the PWD officials found that an individual who is working as Sub-Inspector of Police by name Irulappan had illegally opened the gate and released the water. As against him, though complaint has been given to Samayanallur Police Station in Petition No.248/2024 dated 26.04.2024, till date,



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no action has been taken by the said police, learned Government Pleader appearing for the respondents 1 to 4 submitted.

**4.**Learned Government Advocate [Crl. Side] appearing for the fifth respondent would submit that the Inspector of Police, Samayanallur Police Station is not a party in this writ petition. Therefore, suitable instructions would be given to the Samayanallur Police Inspector by the fifth respondent Superintendent of Police, to take appropriate action against the erring person ie., Irulappan and any other person who indulge in opening the sluice gate unauthorisedly and wasting the water of the tank concerned.

**5.**The said submission of the learned Government Pleader and the learned Government Advocate [Crl. Side] are taken on record.

**6.**In view of the same, this Writ Petition is disposed of with the following direction:

*“There shall be a direction to the fifth respondent to give suitable direction to the Inspector of Police, Samayanallur, to take action against the*



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*erring person namely Irulappan, who seem to be a member of the Tamil Nadu Police Force, for alleged act of illegal opening of sluice gate and wasting the water of the Thodaneri Kanmoi and during the investigation, if any other person like him is involved in such illegal activity, action as per law shall be taken by the police, for which suitable instructions shall be given by the fifth respondent, Superintendent of Police. Further, the other respondents ie., Public Works Department, Water Management Division of the tank are also directed to ensure that there is no leakage or wastage of water from the sluice gate of the Thodaneri Kanmoi, without any plausible reason for irrigation.”*

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

**[R.S.K.,J.] & [G.A.M.,J.]**

**30.04.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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**R.SURESH KUMAR, J.**  
**and**  
**G.ARUL MURUGAN, J.**

MR

**ORDER MADE IN**  
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