



W.P.(MD).No.9328 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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1.P.K.Angappan

2.S.M.Munisamy

3.A.Rajkumar

4.M.Sivanathan

5.N.Alagarsamy

6.A.Ayyanan

7.M.Murugan

... Petitioners

Vs.

1.The Principal Chief Engineer,
Water Resource Department,
(Public Works Department),
Chepauk,
Chennai - 600 005.

2.The Chief Engineer,
Water Resource Department,
Public Works Department,
Operation and Maintenance,
Chepauk, Chennai - 600 005.



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3. The District Collector,
Sivagangai District,
Sivagangai.

4. The District Collector,
Madurai District,
Madurai.

5. The Chief Engineer,
Water Resource Department,
Public Works Department,
Madurai Zone,
Madurai - 625 002.

6. The Executive Engineer,
Water Resource Department,
Periyar Main Channel Division,
Melur,
Madurai District.

7. The Executive Engineer,
Water Resource Department,
Periyar Main Channel Division,
Madurai.

8. The Executive Engineer,
Water Resource Department,
Saruguni Aaru Vadinilakottam,
Sivagangai District.

9. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to implement the proceedings of the third respondent dated 13.11.1998 for distribution of water



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from Poonchuthi Kanmoi Shutter instead of Padamaathur Extension Channel, within the time stipulated by this Court by considering the petitioner's representation dated 25.03.2023.

For Petitioners : Mr.J.Anandkumar
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This Writ Petition has been filed for a Mandamus to direct the respondents to implement the proceedings of the third respondent dated 13.11.1998 for distribution of water from Poonchuthi Kanmoi Shutter instead of Padamaathur Extension Channel, within the time stipulated by this Court by considering the representation dated 25.03.2023.

2. The first petitioner herein on behalf of all other villagers had given a representation to the fifth respondent on 25.03.2023 for distribution of water to 7 kanmois in Sivagangai District from Poonchuthi Kanmoi instead of Padamaathur extension channel. Since the said representation was not considered, the present Writ Petition has been filed.



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3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the fifth respondent herein to consider the first petitioner's representation dated 25.03.2023, in the light of the proceedings of the third respondent dated 13.11.1998, if applicable and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of. There

shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
06.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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(Public Works Department),
Chepauk, Chennai - 600 005.

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Water Resource Department,
Public Works Department,
Operation and Maintenance,
Chepauk, Chennai - 600 005.

3. The District Collector,
Sivagangai District,
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Madurai.

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