



W.P(MD)No.6944 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.6944 of 2019

1.S.Muthu
2.S.Shanmugam
3.M.Koothaiah

... Petitioners

Vs

1.The District Collector,
Pudukkottai District Collectorate Office,
Pudukkottai District.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Aranthangi Taluk, Aranthangi,
Pudukkottai District.

3.The Tahsildar,
The Tahsildar Office,
Avudaiyar Kovil Taluk,
Avudaiyar Kovil.

4.The Executive Engineer,
(Water Resource and Irrigation),
Public Works Department,
Pudukkottai District.

5.The Assistant Executive Engineer,
(Water Resource and Irrigation),
Public Works Department,
Pudukkottai District.

6.Ramesh @ Ganesan
7.Malaiyandi
8.Arumugam

... Respondents



W.P(MD)No.6944 of 2019

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action against the illegal formation of new channel from Irumbanadu Periyakanmoi Channel to Alathimani Kanmoi directly by diverting the water of Sithaneanthal Kanmoi consequently make arrangements to supply water from Irumbanadu Periyakanmoi to Sithanenthall Kanmoi without any obstruction by the respondents 6 to 8.

For Petitioners : Mr.K.Baalasudharam
Senior Counsel

For RR 1 to 5 : Mr.D.Gandhi Raj
Special Government Pleader

For RR 6 to 8 : Mr.N.Balakrishnan

ORDER

This Writ Petition has been filed by the petitioners for a direction directing the respondents 1 to 5 to take action as against the respondents 6 to 8 for the illegal formation of new channel from Irumbanadu Periyakanmoi Channel to Alathimani Kanmoi thereby diverting the water of Sithaneanthal Kanmoi.

2.The petitioners owned lands comprised in Survey Nos. 272/1, 270/3, 271/1, 272/1, 270/2, 270/1, 271/4, 272/5, 271/2, 271/5, 272/3, 272/4 and 272/7 to an extent of 10 acres of Nanjai



W.P(MD)No.6944 of 2019

land situated at Irumbanadu Village, Avudaiyarkovil Taluk, Pudukkottai District. They are irrigating their lands from the water of Sithaneanthal Kanmoi. While being so, the respondents 6 to 8 who have lands and residing in Alathimani Village, Avudaiyarkovil Taluk, Pudukkottai District, came to Irumbanadu Periya Kanmoi channel and put up a cross bund and thereby closed the water channel to the Sithaneanthal Kanmoi and diverted the water to the Alathimani Kanmoi. Therefore, the petitioners lodged a complaint to take appropriate action as against the respondents 6 to 8 herein.

3. On perusal of the counter-affidavit filed by the respondents 1 to 3 herein and on the submissions made by the learned Special Government Pleader appearing for the respondents 1 to 5 would reveal that Alathimani Kanmoi is maintained by irrigation section, Water Resources Department, Avudayarkoil of South Vellar Basin Sub Division, Arantangi of South Vellar Basin Division, Pudukkottai and Alathu Kanmoi has an Ayacut of 66.00.00 hectares. The water spread area is 94.90.00 hectares. The Alathimani Kanmoi is located in Thonnangudi Village of Avudayarkovil Taluk of Pudukkottai District. On receipt of the complaint and as directed by this Court and also as per the updated



W.P(MD)No.6944 of 2019

land ownership records, Irumabanadu Tank and Sithanendal Tank are mentioned as third-class irrigation sources for the wetlands comprised in S.F.Nos.270 to 272. The excess water of Tharani Ayacut and Irumbanadu Tank is the source of supply to joint Ayacut of Irumbanadu Big Tank and Sithanendal Kanmoi. Further, Sithanendal Kanmoi receives water from Irumbanadu Periya Kanmoi through the land comprised in S.F.Nos.142, 143, 145, 172, 173, 171, 167, 175, 176, 188, 187, 185, 192, 193, 200, 202, 203, 257, 256, 253, 260, 266, 247, 249, 252 and in turn the agricultural lands in S.F.Nos.270 to 272 receives water from Sithanendal Kanmoi. Therefore, Nallikudi Tank is not the source of water supply for the land comprised in S.F.Nos.270 to 272. Further, it is also found that surplus of Nallikudi Kanmoi (S.F.No.1) of Thannakudi revenue village goes to Alathu Kanmoi comprised in S.F.No.11 of Thonnakudi revenue Village and Porkudikanmoi comprised in S.F.No.223. Once the Alathu Kanmoi tank is filled up, the surplus water is discharged into the supply channel which originates from Nallikudi Kanmoi and proceeds to Porkudi Kanmoi.



W.P(MD)No.6944 of 2019

4.In view of the above, absolutely there is no diversion of water meant for Sithanenthall Kanmoi by the respondents 6 to 8 herein. In view of the above, the representation submitted by the petitioners cannot be granted. Hence, this Writ Petition itself is devoid of merits and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

04.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.6944 of 2019

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W.P(MD)No.6944 of 2019

G.K.ILANTHIRAIYAN, J.

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