



W.P(MD)No.17113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17113 of 2024

and

W.M.P.(MD)Nos.14734 and 14745 of 2024

K.C.Ambalavanan

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Executive Engineer,
Public Works Department,
Chittar Basin Circle,
Tenkasi, at Kudiyiruppu,
Courtallam,
Tenkasi District – 627 802.
- 3.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Basin Division, Kadayam,
Tenkasi District.
- 4.The Tahsildar,
Ambasamudram Taluk,
Tenkasi District.
- 5.The Inspector of Police,
Kadayam Police Station,
Tenkasi District.



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6.Sangu Krishnan

7.Rajesh

8.Nagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned auction notice in Ka.No.Kho.06/2024/Oo.Po.Kadayam/ dated 08.07.2024 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R5.

ORDER

The petitioner challenges the impugned tender notification on the grounds set out in the affidavit filed in support of the writ petition.

2.It is seen that the respondent department conducts auction for leasing out agricultural lands. The successful person will take the lands for a period of one year. When similar auction was conducted last year, the petitioner's father filed W.P.(MD)No.12301 of 2023. The writ petition was disposed of in the following terms:-



“4.The petitioner's counsel submitted that, the petitioner owns agricultural land in Survey Nos.94/3, 107/1B, 30, 601, 80 and 96 of Melakadayam Village, Ambasamudram Taluk, Tenkasi District, measuring 1 acre 87 cents. Adjoining the above mentioned land, 12 acres of land stands in the name of his sons and daughters and all those properties originally belonged to the petitioner and his family members. In the year 1974, the said property in Survey Nos.106/2, 107/2, 109/1B was acquired for the formation of Ramanadhi Reservoir. The water in the Ramanadhi Reservoir passes through the Vadakal, Therkal, Pudhukal, Papankal channel and reaches the petitioner's agricultural land and other agricultural lands in Melakadayam Village. After formation of Ramanadhi Reservoir, the third respondent herein has auctioned the properties in Survey Nos. 524, 505/2A2, 507/2A1, 515/3B, 516/1A2, 146/2B, 140, 142/2, 145/2, 349/1A, 105/1A, 101/18, 102/1, 117, 118, 508/1A, 370/1, 370/2, 372/1, 372/3, 108/2, 109/18, 106/2, 107/2, 97/2, 98/28, 98/3B, 96/1, 114/1A, 120/2, 121/18, 115, 226/6A1, 337/2A, 339/18, 341/1A, 342/2A, 342/3, 343/1A1 and 344/1 measuring 46 acre and 08 cents from time to time and the petitioner and many others are doing cultivation therein in the said land. In the year 2010, when the 6th respondent was functioning as the President of Ramanadhi Pudhukal Water Users Association, he damaged the channel in Survey Nos.106, 107, 108, 109, 98/2 and he has also damaged the cement channel constructed by the Public Works Department. He had stolen the soil from the channel and used it for his brick kiln. In view of the same, the petitioner and his brother has given several representations to the respondents 1 to 5 and to take action against the untoward activity and encroachment made by the sixth respondent.



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5.Earlier, the petitioner filed a Writ Petition before this Court in W.P(MD)No.1345 of 2022, directing the respondents 1 to 7 therein to consider the petitioner's representation, dated 20.12.2021 as well as to ensure the irrigation facility to the petitioner's land comprised in Patta No.2264, Survey No.94/3 to an extent of 1.87 acres situated at Melakadayam Village, Tenkasi Taluk, Tenkasi District and this Court, by order dated 15.02.2022, directed the respondents 1 to 7 to consider the petitioner's representation, dated 20.12.2021 and disposed of the Writ Petition. However, nothing positively came to be happened. Hence, the petitioner has also filed a Writ Petition in W.P(MD)No. 27287 of 2022 before the Division Bench of this Court, directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 8 therein and any others in the channel of Ramanathi Reservoir situated in Melakadayam Village, Tenkasi Taluk, Tenkasi District and the Division Bench of this Court directed the authorities concerned to consider the representation of the petitioner, dated 18.11.2022 and to take necessary action on the encroachment whatever has been made in the said channel of Ramanathi Reservoir. The respondents 6 to 8 therein are the respondents 6 to 8 herein in the Writ Petition. Despite all those representations and orders being passed by this Court repeatedly, there is no end for the encroachment committed by the private respondents herein. While so, the third respondent had issued the impugned notice, dated 10.05.2023 calling for the auction on 25.05.2023.

6.The grievance of the petitioner is that without removing the encroachment which has been made by the respondents 6 to 8 and restoring the damaged channel of Ramanathi Reservoir to its originality, there is no point in conducting the auction for agriculture,



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since there is no guarantee for the uninterrupted irrigation facility and flow of water in the channel which is continuously disrupted by the conduct of the private respondents herein by damaging the channel as well as by digging a connecting private call from the Reservoir channel. Such exercise has to be dealt with by the authorities concerned with stringent action so as to facilitate the agriculture activities in and around the said channel. Since there seems to be a continuous disruption of the existing channel and also the agriculture of the locality by the private respondents, this Court is of the considered view that the authority should form a Special Committee consisting of the respondents 3 and 4 and the jurisdictional police, who is the fifth respondent along with the President of the Ramanathi Reservoir Association whoever hold office from time to time every year to continuously monitor the state of Ramanathi Reservoir channel and the free flow of water therein and also the third respondent is directed to restore the entire channel to its originality and to ensure the safety of channel and free flow of water without interruption within a period of six weeks from the date of receipt of a copy of this order and the committee will be an omni-bus committee, which will function continuously and monitor and ensure the safety of the channel.

7.Hence, the auction may go on, however, the respondents shall ensure that in the auction, whoever succeeds in the auction shall strictly comply with all the conditions in the auction notice and the Special Committee will monitor and see to it that the succeeding auctioneer should follow the conditions in the auction notice.”



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3.The very same grounds have been agitated in the present writ petition also. I am not inclined to interfere. Liberty is given to the petitioner to seek enforcement of the directions earlier given by this Court. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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