



W.P.(MD) No.11775 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2024

CORAM:

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

AND

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

W.P.(MD)No.11775 of 2015

and

W.M.P.(MD)Nos.2 and 3 of 2015

1.M.Mohamed Mursedeem

2.S.Karmegam

... Petitioners

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Executive Engineer,
Rural Drinking Water Division,
TWAD, Ramanathapuram.

3.The Superintending Engineer,
TWAD Board, PR Circle,
Sivagangai.

4.The Assistant Engineer,
Tamilnadu Electricity Board,
Panaikulam, Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd

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respondent in Letter No.28515/Ko.Manu/Iva.A/2015, dated 23.06.2015 and quash the same as illegal, ultra vires and unconstitutional and in consequence restrain the respondents from laying pipelines for supply of drinking water from their village Alagankulam to Perunkulam Panchayat Village.

For Petitioner : Mr.S.Ramesh
For R1 : Mr.P.Thilak Kumar,
Government Pleader
For R2 & R3 : Mr.B.Vijaykarthikeyan
For R4 : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the order passed by the 3rd respondent, dated 23.06.2015, under which, they had a plan to draw drinking water from a public well located in Alagankulam Village to nearby village.

2.The reason for such challenge, according to the learned counsel for the petitioner, is that Alagankulam Village itself is already facing water scarcity. Therefore, if more water is taken from the ground, water level will get diminished and that will affect the prospects of Alagankulam Village people, that is why, the present Writ Petition is filed as Public Interest Litigation.



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3.However, today, when the case is taken up for hearing, the learned Government Pleader appearing for the 1st respondent, the learned counsel appearing for the respondents 2 and 3 and the learned Standing Counsel appearing for the 4th respondent have submitted that initially though a proposal was there to draw drinking water from Alagankulam Village, subsequently, it has been dropped and it is being taken from some other village, called Atrangarai and this factor has been mentioned in the counter affidavit filed by the respondents 2 and 3, which reads as follows:-

“4.It is submitted that this scheme was originally proposed to draw water from the public well in the Alagankulam Panchayat limit. After these issues came to notice, the source for Perunkulam village has been changed and selected at Atrangarai Panchayat in Survey No.81/1 of Patta No.132. Further, the water supply scheme to Alagankulam Panchayat is sufficient to the public. Moreover, this habitation is covered in Ramanathapuram CWSS with Cauvery River as source. As of now we are not proposed to draw water from Alagankulam Panchayat limit. There is no question of perish and intrusion of saline water. Hence new source was selected at Atrangarai panchayat limit.

5.It is submitted that as soon as objection raised by the panchayat president of Alagankulam alternate new source for Perunkulam village has been selected at Atrangarai Panchayat limit.



Further, the direction from the peace committee is not related this scheme and a new well construction is completed in Atrangarai panchayat, there is no water drawn from the Alagankulam panchayat limit. Hence there is no need to get prior permission from Alagankulam panchayat to draw water from the Atrangarai panchayat limit.

6.It is submitted that as per Geophysical survey, there is no portable water in and around of Perunkulam village. The allegation made in the affidavit that there is a political interference is strongly denied and the water scheme is executed in the interest of public.

7.It is submitted that no water has been drawn from the Alagankulam panchayat. Since there is no water drawn from the Alagankulam panchayat limit. The question of attempting to disturb the water table does not arise. Hence no question of violating the Fundamental rights of the Alagankulam Villagers using the water bodies as their source for drinking purposes. The current water supply scheme of Alagankulam panchayat for drinking water is enough to the public and further no pipeline has been laid from the scheme of Alagankulam village.”

4.Relying upon this averment, the learned counsel for the respondents 2 and 3 submitted that since no water would be drawn for the purpose of drinking facilities to the nearby village from Alagankulam Village, the apprehension of the petitioner since has been clear and the order, which is impugned herein, is not



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going to be implemented for the purpose of drawing water from Alagankulam Village, there would be no grievance.

5.In view of the said submission made by the learned counsel for the respondents 2 and 3, by taking into account the averments made in the counter affidavit filed by the respondents 2 and 3, we feel that since there could be no drawal of water from Alagankulam Village, they need not have any worry about such apprehension and hence, this Writ Petition can be disposed of, by recording the said development. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.] & [G.A.M., J.]
15.04.2024

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

Yuva

To
The District Collector,
Ramanathapuram District,
Ramanathapuram.



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AND

G.ARUL MURUGAN, J.

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