



W.P.(MD)No.11854 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.11854 of 2018

and

W.M.P(MD)Nos.10790 to 10792 of 2018

Ramasamy Nadar

...Petitioner

-Vs-

1.The Sub Collector,
Cheranmahadevi,
Tirunelveli District,
Tirunelveli.

2.G.Lazer

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order made by 1st respondent in his proceedings in Na.Ka.No.Aa1/6380/2015 dated 26.02.2018 and quash the same as illegal and consequently direct the 1st respondent to ensure free passage of water from Punjaikuttikulam to the paddy field of him to the extent of Acre 4 cents 40 in Survey Nos.2276/2A2, 2276/3A1B, 2276/2B, 2276/3A2 and 2266/1B at Perungudi Village Part-II, Radhapuram Taluk, Tirunelveli District through the irrigation kaal as found in the Village map in the light of the order made in I.A.No.1690 of 2015 in O.S.No.204 of 2015 on the file of the leaned Sub Court, Valliyoor.



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For Petitioner : M/s.S.R.Anbarasu
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader for R1

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 26.02.2018, thereby rejected the request made by the petitioner seeking separate water channel for irrigation for his land comprised in Survey Nos.2276/2A2, 2276/3A1B, 2276/2B, 2276/3A2 and 2266/1B at Perungudi Village Part-II, Radhapuram Taluk, Tirunelveli District to an extent of 4 acres and 40 cents.

2.The petitioner has owned the above said property and cultivating the same. It is being irrigated by using the water from Punjaikuttikulam in Perungudi Village Part-II. The said irrigation channel is running north south from the Punjaikuttikulam Tank. The petitioner's land is located in the land of the said water channel. However, in between the land owners, objected the water channel and as such, the petitioner has filed a suit in O.S.No.446 of 2011 on the file of the Principal District Munsif Court, Valliyor and obtained interim injunction restraining them from making any obstruction in the particular portion of the water channel.



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3.The Advocate Commissioner was appointed and he submitted a report on 06.07.2012. In the mean while, the petitioner has approached this Court in W.P.(MD).No.20593 of 2014 for seeking direction for the very same passage of water for irrigation to his land. This Court directed the authorities concerned to pass order on merits and in accordance with law. While being so, the second respondent has filed a suit in O.S.No.204 of 2015 on the file of the Sub Court, Valliyoor and obtained interim injunction on 22.12.2015. Therefore, there is a dispute between the petitioner and the second respondent in respect of the using the water channel to irrigate their lands. In this regard, FIR was also registered in Crime No.520 of 2015 for the offences punishable under Sections 183, 430 of IPC and Section 3 of TNPPDL Act.

4.In view of the above, as per the directions issued by this Court, the first respondent conducted a detailed enquiry on receipt of the report from the Revenue Inspector and concluded the same as per revenue records that there is no water channel in the said property. There is a water channel from the Punsaikuttikulam for the purpose of irrigation for all the lands including the petitioner. Therefore, it is not possible to lay a separate water channel to irrigate the petitioner's land alone. Further, there is a civil dispute between the



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petitioner and the second respondent which cannot be resolved by the authorities concerned. Both had already filed a suit and the same are pending.

5.In view of the above, the first respondent has rightly rejected the request made by the petitioner. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

20.11.2024

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

To

The Sub Collector,
Cheranmahadevi,
Tirunelveli District,
Tirunelveli.



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G.K.ILANTHIRAIYAN. J,

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