



W.P.(MD).No.24248 of 2022

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**

W.P.(MD).No.24248 of 2022
and
W.M.P.(MD).No.18353 of 2022

Chinnamuthanan

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by Secretary to Government,
Public Works Department,
Chennai.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Chief Engineer,
Public Works Department,
Water Resources Organization,
Madurai Region,
Madurai.
- 4.The District Collector,
Sivagangai District,
Sivagangai.



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5.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Periyar Main Canal,
Sivagangai District.

6.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Periyar Main Canal,
Melur,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from diverting the surplus water passes through the naturally formed water channel into the concrete channel at Kannapanenthal and remove the newly constructed shutter at Kannapanenthal thereby direct the respondents to construct a divider up to Aathini Konmoi as already constructed divider up to Kannappanenthal situated at Kurichippatti Village, Melur Taluk, Madurai District by considering the representation of the petitioner dated 08.08.2022 and further directing the respondents to put up a concrete channel for the surplus water.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.P.Thilak Kumar
Government Pleader



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ORDER

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

This Writ Petition has been filed for a Mandamus, forbearing the respondents from diverting the surplus water passing through the naturally formed water channel into the concrete channel at Kannapanenthal and remove the newly constructed shutter at Kannapanenthal, thereby direct the respondents to construct a divider up to Aathini Konmoi as already constructed divider up to Kannappanenthal situated at Kurichippatti Village, Melur Taluk, Madurai District by considering the representation of the petitioner dated 08.08.2022 and further directing the respondents to put up a concrete channel for the surplus water.

2. The petitioner herein along with the residents of Kallaraathinipatti Village, had given a representation to the respondents on 08.08.2022 to stop diverting the surplus water from Kurichipatti Kanmoi to concrete channel without reaching the Aathini Kanmoi. 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 respondents herein to consider the petitioner's representation dated 08.08.2022, on its own merits 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. Consequently, connected miscellaneous petition stands closed.

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

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

To

1.The Secretary to Government,
State of Tamil Nadu,
Public Works Department,
Chennai.

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