



W.P(MD)No.26012 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26012 of 2023

P.A.Panchatchara Prabu

... Petitioner

Vs

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Assistant Engineer,
Water Resource Department,
Manimutharu Basin Division,
Devakottai – 630 303.
- 3.The Executive Engineer,
Water Resource Department,
Manimutharu Basin Division,
Devakottai – 630 303.
- 4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
- 5.Sundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the fifth respondent based on the representations of the petitioner dated 31.10.2022, 26.12.2022, 02.01.2023 and 30.01.2023 made to the first respondent in respect of illegal drawing of water from the Poyyalur Periyankundu sluice to



W.P(MD)No.26012 of 2023

his lands by damaging the same within a time frame fixed by this Court.

For Petitioner : Mr.S.Mohamed Kadhar
For RR 1 to 4 : Mr.S.Shanmugavel
Additional Government Pleader
For R – 5 : Mr.R.Sundar Srinivasan

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 1 to 3 to take appropriate action as against the fifth respondent on the complaint alleged by the petitioner for the illegal drawing of water from the Poyyalur Periyangundu sluice to his lands.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner owned land comprised in SF.No.315/1 to an extent of 5 acres 88 cents situated at Koothalur Revenue Group, Poyyalur Village Panchayat, Karaikudi Taluk, Sivagangai District. The petitioner is cultivating the said land by using the water from Poyyalur Kanmai situated in Poyyalur Village. The excess water flows from Periyangundu first sluice reaches the Mangudi Kanmai



W.P(MD)No.26012 of 2023

situated in S.F.No.314 through the properties comprised in S.F.Nos.303, 310, 387, 388, 389, 316/1A, 316/2, 316/5 and the petitioner's land. While being so, the third respondent by its communication dated 13.04.2022 stated that the petitioner had no right to use of water from Poyyalur Kanmai, since the petitioner has right of irrigation of his land only from Mandayampatti Tank. It is under challenge and it is pending before this Court. While being so, the petitioner lodged complaint alleging that the fifth respondent who damaged the Periyankundu Tank, Poyyalur sluice and drawing water by making new water channel.

4.On perusal of the counter affidavit filed by the third respondent and also on the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 4 would reveal that the petitioner's land is situated within the ayacut area of one Mandayampatti Kanmai. It is also reflected in 'A' register of the revenue department. The Mandayampatti Kanmai has surplus water from Poyyalur Tank. Further there is no direct supply of water from the first sluice of Poyyalur Tank to Mandayampatti Kanmai. Therefore the petitioner has no right of taking water from the first sluice of Poyyalur Tank. In fact for illegal drawing of water, First Information Report has been registered as against the petitioner,



W.P(MD)No.26012 of 2023

his mother and another in Crime No.141 of 2022 for the offences under Sections 294(b), 353 and 506(i) of I.P.C and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 on the allegation that the petitioner also prevented the Government servants from taking action. Further the fifth respondent's land is situated within the Ayacut of Poyyalur Kanmai and he has right to use the Poyyalur Kanmai water for irrigation of his lands. No damage was done by the fifth respondent to the bund of Periyankundu Tank. In view of the above, the representation submitted by the petitioner cannot be considered. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

20.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

ps

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