



W.P.(MD)No.28257 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.28257 of 2024

and

W.M.P.(MD)Nos.23957, 23958 and 23959 of 2024

A. Navaneethakannan

... Petitioner

/Vs./

1. The District Collector
Office of the District Collector,
Sivagangai District
2. The Tahsildhar
Thirupuvanam Taluk Office,
Sivagangai District
3. The Executive Engineer
Public Works Department and Water Resources Department,
Saruganiyar Basin Division,
Sivagangai District
4. The Assistant Executive Engineer,
Public Works Department and Water Resources Department,
Thirupuvanam,
Saruganiyar Basin Division,
Sivagangai District.

.. Respondents

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



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pertaining to the impugned pamphlet notification dated 16.11.2024 issued by the first respondent and quash the same and consequently directing the respondents to include the name of the petitioner in the Voters List pertaining to the conduct of the elections of the said Sangam within the time stipulated by this Court.

For Petitioner : Mr.M.Malaiyendran

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned pamphlet notification dated 16.11.2024 issued by the first respondent and consequently directing the respondents to include the name of the petitioner in the Voters List pertaining to the conduct of the elections of the said Sangam within the time stipulated by this Court.

2. Heard the learned counsel on either side.

3. The petitioner is an Agriculturist and owned land comprised in S.No.45/10B to an extent of 0.40.79 hectares situated at T.Adhikarai village, Thiruppuvanam Taluk, Sivagangai District, in patta No.838. The said land was settled in favour of the petitioner by his mother, by



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registered settlement deed dated 11.11.2023. The petitioner's land coming under the beneficiaries of T.Adhikarai Kanmoi. The entire villagers are benefited by this Kanmoi and they are doing all agricultural activities covering vast extent of land. Therefore, the Government of Tamil Nadu has established an Association, viz., T.Adhikarai Water Users Association (herein after referred to as 'Association'), managed by its Directors. Out of four Directors, one President to be elected for the said users by due process of election. While being so, the first respondent issued a notification, thereby inviting nominations for the election to the post of President for the Association, to be conducted on 01.12.2024. The petitioner is being the pattadhar and beneficiary under the said T.Adhikarai Kanmoi, submitted nomination for the post of President on 21.11.2024. However, the petitioner's nomination was not considered on the ground that the petitioner is not a voter of the Association. The users of T.Adhikarai Kanmai water as per voter list numbering 109. However, the petitioner's name is not found in the voters list and as such his nomination was not considered. Only two person nominations viz., Rajeshkanna and Arjunan were accepted for the election to the post of President of the Association.



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4. On perusal of the records revealed that the petitioner is the owner of the land comprised in S.No.45/10B to an extent of 0.40.79 hectares situated at T.Adhikarai village, and he is a pattadhar under patta No.838. Admittedly, he is the user of T.Adhikarai Kanmoi for irrigation of his lands. Immediately after settlement, the revenue records mutated in his name and he was issued a patta on 11.11.2023, even then his name was not included in the voters list.

5. The learned Special Government Pleader submitted that there are only two nominations for the post of President of the Association. The election to be conducted on 01.12.2024 and on perusal of the records showing that sofar the petitioner has not made any application to include his name in the voters list. When the petitioner was issued patta for his lands, and also he is the user of T.Adhikarai Kanmoi, the fourth respondent ought to have included the petitioner's name also in the voters list. However, his name was not included and in fact, only after rejection of his nomination, the petitioner came to understand that his name was not find in the voters list of Association. The non inclusion of the pattadhar in the voter list of the Association itself vitiate the election process. On this ground alone, the election notification cannot be



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sustainable and the same is liable to the quashed.

6. Accordingly, the Election Notification dated 16.11.2024 issued by the first respondent is hereby quashed. The respondents 3 and 4 are directed to include the petitioner's name in the voters list and also other pattadhars and users of T.Adhikarai Kanmoi within a period of two weeks from the date of receipt of copy of this order and report, if any addition or deletion of report, before the first respondent. On receipt of the said report, the first respondent is directed to issue fresh election notification for the post of President for T.Adhikarai Water Users Association, within a period of one week from the date of receipt of the voters list from the respondents 3 and 4.

7. With the above direction, this Writ Petition is allowed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

25.11.2024

Internet : Yes/No
NCC : Yes / No
LSNote:
Issue order copy on 25.11.2024



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G.K.ILANTHIRAIYAN, J.

LS

TO:-

1. The District Collector
Office of the District Collector,
Sivagangai District.
2. The Tahsildhar
Thirupuvanam Taluk Office,
Sivagangai District.
3. The Executive Engineer
Public Works Department and Water Resources Department,
Saruganiyaru Basin Division,
Sivagangai District.
4. The Assistant Executive Engineer,
Public Works Department and Water Resources Department,
Thiruppuvanam,
Saruganiyaru Basin Division,
Sivagangai District.

Order made in
W.P.(MD)No.28257 of 2024

Dated:
25.11.2024