



W.P.No.953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.03.2025

PRONOUNCED ON : 26.03.2025

CORAM:

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

W.P.No.953 of 2024
and W.M.P.Nos.1000 & 1003 of 2024

1. C.Prakasam
2. S.Periyasamy
3. P.Chinnusamy
4. S.Nanjappan
5. P.Chendrayan
6. V.Marimuthu
7. N.Chinnusamy

... Petitioners

Vs.

1. The State of Tamilnadu rep. by its
The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai – 600 009.

2. The District Collector,
Salem – 636 001,
Salem District.

3. The Revenue Tahsildar,
Sankari Taluk,
Salem District.



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4.The Divisional Engineer,
Highways,
Construction And Maintenance,
Edappadi, Salem District.

5.The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tangedco Ltd., Mettur Dam -1,
Salem District.

6. The Block Development Officer,
(Village Panchayat),
Sankari Pancayat Union,
Salem District.

7. The Nedungulam Lift Irrigation,
Cooperative Society Rep. by its
Secretary,
Nedungulam,
Salem District.

8. The Pullagoundenpatti Agraharam
Village Panchayat rep.By its
President, Puliampatti,
Sankari Taluk, Salem District.

9. The Deputy Superintendent Of Police,
Sankari Sub Division,
Salem District.

10. S.N.Duraisamy

11. Mohankumar

12. Kuppusamy

13. Karthick

14. S. Muniyappan

15. S.Ponnusamy



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16. Kuppusamy

17. Sivashanmugam

18. Kandasamy

19. Selvaraj

20. S.P.Thangaraju

(RR10 to R20 impleaded vide
order dated 26.03.2025 made in
W.M.P.Nos. 2502 & 2685 of 2024
in W.P.No.953 of 2024)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to provide necessary protection to the petitioners to re-lay the pipelines in S.F. No. 71/2 of Pullagoundanpatti Agraharam Village, Sankari Taluk and to lay the pipelines in other survey numbers as indicated in the Lift Irrigation Scheme in compliance with G.O.Ms.No. 70 dated 02.03.2020 issued by the first respondent, NOCs and track rent permissions granted by the respondents 2 to 8 by considering the petitioners' representations dated 22.09.2023, 07.12.2023, 18.12.2023 and 21.12.2023.

For Petitioners : Mr.N.Manoharan

For Respondents

For R1 to 4,6,8 : Mr.P.Balathandayutham
Special Government Pleader

For R7 : Mr.V.Srikanth

For R9 : Mr.A.Gopinath

Government Advocate (Crl. Side)

For R10 to19 : Mr.C.Prakasam

For R20 : Mr.R.Ezhilarasan



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ORDER

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This petition has been filed for direction directing the respondents to provide adequate police protection to the petitioners to relay the pipe line in the land comprised in S.F. No. 71/2 situated at Pullagoundanpatti Agraharam Village, Sankari Taluk, in compliance of the government order in G.O.Ms.No.70 date 02.03.2020.

2. The petitioners owned land to an extent of 71.53 acres situated at Pullagoundanpatti Village, Sankari Taluk, Salem District. The government passed order in G.O.Ms.No. 70 PWD dated 02.03.2020, thereby ordered that the land situates within the Ayacut of Nedungulam Lift Irrigation System formed as per G.O.Ms.No.2183 (PWD) dated 19.12.1985, which was issued to irrigate 2734.52 acres of lands lying on either side of the river Cauvery and also ordered to provide required electricity connections for irrigation purpose. After inspection, the petitioners are being beneficiary as per the G.O.Ms.No. 70 PWD dated 02.03.2020, recommended to provide ten pump sets with 110 HP to irrigate their lands through society viz., seventh respondent herein.



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3. On the basis of the representation submitted by the third respondent, the second respondent also submitted report thereby recommended to grant required permission. Thereafter, the first respondent by its communication dated 06.02.2020 also recommended to irrigate the petitioners' land. Likewise, Cauvery Water Technical Committee had also given concurrence. Only thereafter, the first respondent passed order in G.O.Ms.No.70 PWD dated 02.03.2020.

4. In pursuant to the said government order, the petitioners approached the third respondent to get track rent permit. After inspection, it was granted by the third respondent vide order dated 09.07.2020 subject to certain conditions as per G.O.Ms.No.202, Revenue [Ni.Ni.5(2)] Department dated 24.04.2020. Accordingly, the petitioners sought for permission to lay pipelines underneath the panchayat road for a distance of 2428 meters in various survey numbers situated at Pullagoundanpatti village and issue no objection certificate to lay the pipelines underneath the public cart track. On the strength of the same the fourth respondent also granted permission dated 24.06.2020 to lay the pipelines underneath the road margin and to cut across the road, on payment of Rs.2,14,000/-



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for relaying the road. In fact, after the said permission, the petitioners had also deposited the said amount.

5. In pursuant to the no objection certificate granted by the fourth respondent, the eight respondent also granted permission subject to payment of necessary charges. Accordingly, the petitioner had laid pipelines. However, the objectors raised objections for laying pipeline. After lodgment of complaint by the petitioners, the third respondent convened a peace committee meeting and ordered to provide police protection to implement the orders for laying the pipelines. However the objectors filed several writ petitions before this Court to prevent the petitioners from availing benefit under the government order. In fact, some of the writ petitions were filed challenging the government order in G.O.Ms.No.70 PWD dated 02.03.2020. Now after dismissal of all the writ petitions, Public Interest Litigation is pending before this Court challenging government order without any interim order passed by this Court.

6. While pending the writ petition, the respondents 10 to 20 filed petitions to implead themselves as respondents in the present writ petition.



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7. The learned counsel appearing for the respondents 10 to 20 submitted that the petitioners have become members of seventh respondent with the help of the political high hands and obtained orders from the government officials for taking water from the Cauvery river through pipeline that too for more than two kilo meters away from the Cauvery river, not only for the purpose of irrigating their lands and also for commercial purpose under the guise of agricultural use. The petitioners had damaged odai which is free flow water from 100 acres agricultural lands seepage water to the Cauvery river by dumping waste materials. That apart, the government order is under challenge before this Court and it is pending. Therefore, they vehemently objected to provide police protection to lay pipe lines.

8. Heard the learned counsel appearing on either side and perused the material placed before this Court.

9. On perusal of the counter filed by the seventh respondent and on the submission made by the learned counsel appearing for the seventh respondent revealed that as per the government order in



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G.O.Ms.No.70 PWD dated 02.03.2020, the government ordered to extend

the benefits of lift irrigation scheme to ten more pump sets. As per the said government Order, the beneficiaries have to obtain no objection certificate from all concerned departments to lay pipe line and to draw water from river Cauvery. The seventh respondent also granted permission and no objection certificate as per the government order in G.O.Ms.No.70 PWD dated 02.03.2020. In fact some of the impleaded respondents are also beneficiaries under the lift irrigation scheme. Though several writ petitions were filed challenging the government order in G.O.Ms.No.70 PWD dated 02.03.2020, all the writ petitions were dismissed. That apart, in the present writ petition, this Court by way of interim order dated 14.03.2024, issued direction to the second and ninth respondents to ensure that the project is completed and necessary police protection is given for the same.

10. In view of the above, this Court is inclined to issue direction to the ninth respondent to provide adequate police protection to the petitioners while relaying the pipe line in the land comprised in S.F. No. 71/2 of Pullagoundanpatti Agraharam Village, Sankari Taluk, Salem District, in order to implement the government order in G.O.Ms.No.70



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PWD dated 02.03.2020, within a period of four weeks from the date of

receipt of a copy of this Order.

11. With the above directions, the Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

26.03.2025
(¹/₂)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Principal Secretary to Government,
State of Tamilnadu,
Public Works Department,
Secretariat,
Chennai – 600 009.

2. The District Collector,
Salem – 636 001,
Salem District.

3. The Revenue Tahsildar,
Sankari Taluk,
Salem District.

4. The Divisional Engineer,
Highways,
Construction And Maintenance,
Edappadi, Salem District.



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rts

5. The Superintending Engineer,
Mettur Electricity Distribution Circle,
Tangedco Ltd., Mettur Dam -1,
Salem District.

6. The Block Development Officer,
(Village Panchayat),
Sankari Panchayat Union,
Salem District.

7. The Secretary,
Nedungulam Lift Irrigation,
Cooperative Society
Nedungulam,
Salem District.

8. The President,
Pullagoundenpatti Agraharam
Village Panchayat
Puliyampatti,
Sankari Taluk, Salem District.

9. The Deputy Superintendent Of Police,
Sankari Sub Division,
Salem District.

Order in
W.P.No.953 of 2024 and
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(1/2)