



WEB COPY

WP No. 2160 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-06-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP No. 2160 of 2023**

1. Shobana

W/o. Late Jothiraj

Petitioner(s)

Vs

1. The District Collector

Coimbatore District, Coimbatore

2. The Tahsildar

Sulur Taluk, Coimbatore District

3. The Assistant Engineer

PWD / WRO Sultanpettai

4. Selvaraj

S/o. Krishnaswamy Valasupalayam J.

Krishnapuram village sulur taluk

Coimbatore District

Respondent(s)

**PRAYER**

Calling for the records pertaining to the impugned order of the 2<sup>nd</sup> respondent dated 06.12.2022 vide Na.Ka.No. 2649 / 2022 / A2 quash the same.



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For Petitioner(s): Mr.R.Kannan

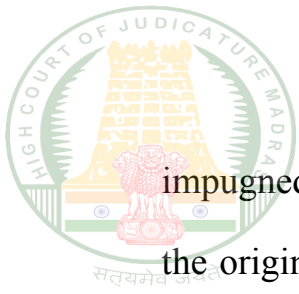
For Respondent(s): Mr.M.Guruprasath for R4  
Ms.P.Aishwarya  
Government Advocate for R1 & 2

### **ORDER**

This writ petition has been filed for challenging the impugned proceedings of the 2<sup>nd</sup> respondent dated 06.12.2022, wherein the petitioner has been directed to restore the original position and to ensure the free flow of water into the agricultural land belonging to the 4<sup>th</sup> respondent.

2. Heard Mr.R.Kannan, learned counsel for the petitioner and Mr.M.Guruprasath, learned counsel for the 4<sup>th</sup> respondent and Ms.P.Aishwarya, learned Government Advocate, learned counsel for the 1<sup>st</sup> and 2<sup>nd</sup> respondents.

3. The grievance expressed by the petitioner in the present writ petition is that the 4<sup>th</sup> respondent had requested the predecessor in title to form a small channel inside the land to fetch water from the Parambikulam Aliyar Project (PAP) canal. This was permitted by the predecessor, and the channel was located in the center of the land. Since the said canal was not used by the 4<sup>th</sup> respondent for a long period, the canal itself became unusable. The petitioner thereafter made a provision on the southern side of the property to ensure that water flows freely into the agricultural land belonging to the 4<sup>th</sup> respondent. A complaint was given by the 4<sup>th</sup> respondent, and the 2<sup>nd</sup> respondent, through



impugned proceedings dated 06.12.2022, has directed the petitioner to restore the original position and ensure that water flows smoothly into the agricultural land belonging to the 4<sup>th</sup> respondent.

4. It is seen that the agricultural lands are being irrigated under the PAP. The water for such irrigation is carried through small canals, which are called field bothies. The field bothy itself is a part of the PAP scheme. The Tamil Nadu Irrigation Projects (Construction of Field Bothies) Act, 1959 governs the fields. If any field bothy is to be destroyed or removed, such a decision can be taken only by the District Collector. It seems that during the year 2022, the petitioner had levelled the property and thereby also levelled the field bothy and attempted to create a new way on the southern side of the property. The grievance expressed by the 4<sup>th</sup> respondent is that the water flow was obstructed since the levelling affected the flow into the agricultural land. The fact remains that whenever there is rain, water flows into the agricultural land of the 4<sup>th</sup> respondent. However, the water that is released under the PAP is being obstructed. The petitioner is bound by the provisions of the said Act, and the petitioner cannot obstruct the water flow from the PAP main canal to the Ayakattu land. It is under these circumstances that the order came to be passed by the 2<sup>nd</sup> respondent.

5. This Court is not able to find any illegality in the order passed by the 2<sup>nd</sup> respondent warranting interference of this Court. In view of the same, the



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writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To  
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**N.ANAND VENKATESH J.**

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