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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No. 3941 of 2025

S. Ponnusamy

.. Petitioner

Vs

1. The Revenue Divisinal Officer,
Tiruppur, Tiruppur District.
2. The Executive Engineer,
(Public Works Department/
Water Resources Organization),
Parambikulam Aliyar Project Scheme,
PAP Colony, Pollachi,
Coimbatore District.
3. The Assistant Executive Engineer,
(Public Works Department/
Water Resources Organization),
Parabikulam Aliyar Project Scheme,
Palladam, Tiruppur District.
4. The Tahsildar,
Palladam Taluk, Palladam,
Tiruppur District.
5. The Executive Engineer,
(O & M), TANGEDCO,
Palladam, Tiruppur District.
6. Kumarasamy

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India



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praying for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Pa.Mu.N.6669/2024/B1, dated 06.01.2025 and quash the same and consequently directing the respondents No.1 to 4 to permit the petitioner for laid down the pipeline from PAP Canal sluice to the extent of 150 feet situated in S.No.466/1B and 466/2A7, Naranapuram Village, Palladam Taluk, Tiruppur District at the cost of the petitioner for enabling the petitioner to use the pathway as access to the petitioner's land.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr. T.M. Rajangam, GA
for R1 to R4
Mr.L.Jaivenkatesh, Standing counsel
for R4
Mr.E.K. Kumaresan for R6

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the 1st respondent made in Pa.Mu.No.6669/2024/B1, dated 06.01.2025 and for a consequential relief to the respondents 1 to 4 to permit the petitioner to lay the pipeline from PAP canal sluice to the extent of 150 feet situated at S.No.466/1B and 466/2A7, Naranapuram Village, Palladam Taluk, Tiruppur District at the cost of the petitioner enabling the petitioner



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to use the pathway as access to petitioner's land.

2. When this Writ Petition came up for hearing on 18.07.2025, this Court passed the following order after hearing both sides.

' Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 to 5 and the learned counsel appearing on behalf of the 6th respondent.

2.The crux of the issue involved in the present writ petition pertains to laying a pipeline in Survey No.466/2A7 to take water to the lands belonging to the petitioner at Survey No.466/1A. The 1st respondent in the impugned proceedings dated 06.01.2025, has given a finding based on the report submitted by the Assistant Engineer that the petitioner is the owner of the property in Survey No.466/1A measuring an extent of 0.84 cents as per the registered partition deed dated 29.05.1973 registered as Document No.1019 of 1973. The pathway leading to the said property is allotted at Survey No.466/2A7. In this pathway, the petitioner has sought for laying the underground pipeline to take water to his lands. The report of the Assistant Engineer states that there is a joint patta in the name of the 6th respondent also and therefore the petitioner was directed to get no objection from the 6th respondent.

3.The learned counsel for the petitioner submitted that there is no need for getting no objection from the 6th respondent since there is a strained relationship with the 6th respondent and he will not give any no objection.

4.The learned counsel for the 6th respondent submitted that there is a pending suit touching upon the



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property in Survey Nos.466/1A and 466/1B and the learned counsel seeks for sometime to file the relevant documents by way of typed set of papers and also to file counter.

5.Considering the limited issue involved in the present writ petition, post this writ petition under the caption 'part heard cases' on 28.07.2025.'

3. When the Writ Petition was taken up for hearing today, the learned Govt. Advocate appearing on behalf of the respondents 1 to 4 submitted that the objection for the Department is with respect to the request made by the petitioner to put up the pathway over S.No.466/2A7 over the canal that runs underground in this survey number. The learned Govt. Advocate appearing for the respondents 1 to 4 submitted that at the best, water connection can be given to the petitioner in the canal which is already available in S.No.466/2A7 and if the petitioner wants the pathway to be laid, the petitioner has to necessarily get the No Objection from the other co-owners.

4. The learned counsel appearing for the 6th respondent submitted that the 6th respondent is the co-owner of the property owning 7 acres and that the Revenue Officials cannot lay the pathway over this property and such a request made by the petitioner is unsustainable.



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5. This court finds a lot of force in the submission made by the learned Govt. Advocate appearing on behalf of the respondents 1 to 4 and the learned counsel appearing on behalf of the 6th respondent. The Revenue Officials cannot lay a pathway over the land in S.No.466/2A7 which admittedly, has other Pattadars. Just because, a canal runs underground which is maintained by the Official Respondents, that does not mean that the Official Respondents will also get the right to lay a pathway over the property. If any such request is made by the petitioner, the petitioner has to necessarily get the 'No Objection' from the other Pattadars. The 6th respondent is not willing to give that 'No Objection' since there is a pending litigation between the parties.

6. In the light of the above discussion, the best that can be done in the present case is, to direct the official respondents to provide the water connection to the agricultural land belonging to the petitioner at S.No.466/1A through the canal which is already available in S.No.466/2A7. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.



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7. In so far as the other relief sought for by the petitioner for laying pathway over S.No.466/2A7, such a relief cannot be granted. That apart, it is left open to the parties to agitate their private dispute in the pending suit.

8. This Writ Petition is disposed of in the above terms. No costs.

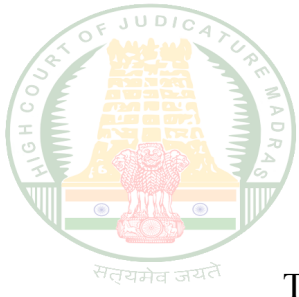
04.08.2025

msr

Index: yes/no

Internet:yes/no

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N. ANAND VENKATESH, J.

msr

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