



W.P No.10152 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P No.10152 of 2022

and

WMP No.9844 of 2022

G.Senthilnathan

...Petitioner

Vs

1. The District Collector
Erode District

2.The Tahsildar
Gobichettipalayam
Erode District.

3.The Executive Engineer(Irrigation)
Public Works Department (WB)
Gobichettipalayam
Erode District.

4.R.Prabakaran

5.V.Baskaran

6.P.Tamilselvan

..... Respondents

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 05.04.2022 issued by the 2nd



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respondent in Na.Ka.4465/2016/अ1 , quash the same and consequently direct the 2nd respondent herein to conduct a proper enquiry as directed by this Court in its order dated 23.09.2021 in W.P No.37158 of 2016.

For Petitioner : Mr.V.Anandamurthy
For R1 to R3 : Mr.A.M.Ayyadurai
Government Advocate
For R4 to R6 : Mr.K.Ashok Kumar

ORDER

This writ petition has been filed, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 05.04.2022 issued by the 2nd respondent in Na.Ka.4465/2016/अ1 , quash the same and consequently direct the 2nd respondent herein to conduct a proper enquiry as directed by this Court in its order dated 23.09.2021 in W.P No.37158 of 2016.

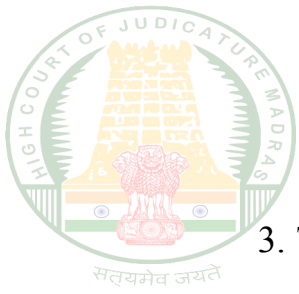
2. The case of the petitioner is that the respondents 4 to 6 are drawing the water from the P.W.D channel without getting any track rent permission from the 2nd respondent by laying huge pipeline running through R.S.No.213/1A1 which belonged to the petitioner. Due to the said act, the original land in the said Koppu Channel including the petitioner's land fell short of water for



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irrigation. Hence the petitioner made a representation dated 22.12.2015 to the

respondents 1 to 3. But, they did not take any action. Challenging the same, the petitioner filed a writ petition in W.P No.37158 of 2016 and the same was allowed on 23.09.2021. Pursuant to the order passed by this Court, the 2nd respondent passed an order on 05.04.2022 without any notice to the petitioner, stating that the pipe was laid only in S.No.213/1A2 which belongs to one Thangavelu. In fact, seepage channel was formed by the petitioner in his land for easy flow of seepage water. The adjacent land in R.S No.214(Old S.No.33) measuring to an extent of 2.33 acre belongs to the respondents 4 to 6. The said respondents have illegally laid a pipe in the petitioner's seepage channel situated at S.No.213/1A1 and bailing water from the common sluice without obtaining any permission which is per se illegal. The 2nd respondent is trying to project that the pipe laid by the respondents 4 to 6 in some other land and disentitle the petitioner over his absolute property in a casual manner. The 2nd respondent has conveniently omitted to enquire about the illegal extraction of water and whether the respondents 4 to 6 got permission to extract the water or not. Whereas now the 2nd respondent had arbitrarily passed an order in favour of the respondents 4 to 6 without any application of mind. Challenging the same, the present writ petition is filed.



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3. The learned counsel for the petitioner submitted that no one is entitled

to draw water without obtaining track rent permission, which is impermissible.

However, the private respondents are drawing water without such permission, and that too from the land owned by the petitioner in Survey No. 213/1A1.

Accordingly, he prayed for appropriate orders.

4. The 2nd respondent has filed a counter affidavit, wherein it is stated as follows:

4. I respectfully submit that obeyed the order (W.P No.37158/2016) dated 23.09.2021 of the Hon'ble Court, the Tahsildar, Gobichettipalayam along with the officials concerned has inspected the lands bearing R.S No.214/1A, 214/1B, 213/1A1 and 213/1B in the presence of the writ petitioner and passed spoken order in the proceedings Na.Ka. 4465/2016/A1 dated 05.04.2022. The excerpts of the orders are follows:

"An extent of 2.38 acres in the lands bearing R.S No.214/1A, 214/1B, 213/1A1 and 213/1B as per the details given below are owned to the petitioner:

Re-Survey No.	Old S.F.No.	Total extent	Extent owned to the petitioner
214/1A	32	0.70.5	0.70.5
214/1B	32	0.15.5	0.15.5
213/1A1	37,38	0.07.5	0.07.5



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Re-Survey No.	Old S.F.No.	Total extent	Extent owned to the petitioner
213/1B	37, 38	0.02.5	0.02.5

During the field inspection it was found that on the western side of the petitioner's land, from the Koppu vaikkal land no.212 in the south-northern side, the lands no.213 and 214 are being received the irrigation water through the pipelines laid from the western side to eastern side for the agricultural purposes. Also, another pipeline laid from the western side to eastern side, the petitioner has also been receiving the water for irrigation. These pipelines were laid only in straight stretch to the land nos.213/1A2 and 214/2. Further, since the sewage water canal in the land no.215/3 is situated in the downstream than the land no.214. Hence there are no possibilities to receive the water for irrigation. The land no.214/2 is getting the water only from the koppu vaikkal land no.212 through the pipelines laid from the western side to eastern side. If the pipelines laid in the western to eastern side and also in the straight stretch of the land no.213/1A2 from the koppu vaikkal land no.212 would be removed the entire irrigation sources to the land no.214/2 will be affected. The above pipelines laid in the land no.213 from the western to eastern side of the koppu vaikkal land no.212 are not laid in the straightaway to the petitioner's land no.213/1A1. It was confirmed through the survey made by the Surveyor concerned that these pipelines were laid



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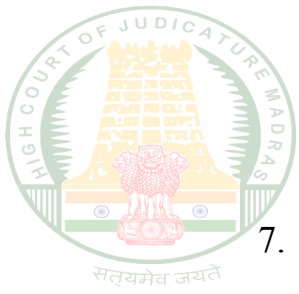


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straightly in the land no.213/1A2 owned to one Thiru.Tnagavelu. Since there are no encroachments in the petitioner's land as alleged in the application dated 22.12.2015 of the petitioner, the application is rejected". Moreover it is submitted that during the field inspection the petitioner also present".

5. Heard the learned counsel on either side and perused the material on record.

6. The grievance of the petitioner is that water pipelines were allegedly laid through his land in Survey No.213/1A1. He filed a writ petition seeking consideration of his representation to restrain respondents 4 to 6 from illegally drawing water from the PWD Koppu Channel through R.S. No.213/1A1 and to remove the underground pipelines. Pursuant to the direction issued by this Court, the impugned order was passed by the 2nd respondent on 05.04.2022. However, the fact remains that the pipelines were laid only in a straight stretch through the lands in Survey Nos.213/1A2 and 214/2. If the petitioner has any grievance, he is at liberty to approach a competent civil court. Hence, the prayer sought by the petitioner cannot be granted.



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7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Consequently, connected miscellaneous petition is closed. No costs.

17.09.2025

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