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W.P.No.17258 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.17258 of 2022

Abarna

.. Petitioner

VS

The Assistant Engineer
Water Resource Department
Basin Division No.2, Aliyar Nagar
Pollachi, Coimbatore District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the records relating to proceedings of the impugned order dated 13.06.2022 made in Letter No.U.Po/AAP2/KO/2022 issued by the respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.P.Ganesan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned notice dated 13.06.2022 issued by the respondent.

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2. The case of the petitioner is that under the partition deed dated 04.07.2007, "C" Schedule property was allotted in favour of the petitioner. Thereafter, an agreement was entered into between the petitioner's father, his brother and another cousin brother with respect to the water to be drawn from the well and the right to irrigation with electricity connection. The petitioner's father executed a Will in favour of the petitioner in respect of the well and upon his demise, the petitioner became entitled for the water from the well also. The Revenue records also stood in the name of the petitioner.

3. The further case of the petitioner is that for the purpose of irrigating the agricultural lands from the water available in the well, the petitioner's grandfather has laid pipelines from the said well to the agricultural lands. This is in existence for more than sixty years. The grievance of the petitioner is that the respondent has issued the impugned notice dated 13.06.2022, calling upon the petitioner to produce the permission order, granted for laying such pipelines across the canal. The specific case of the petitioner is that this pipeline has

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nothing to do with the PAP canal. It was a pipeline that was laid from the well belonging to the petitioner to the agricultural lands.

4. The respondent has filed a counter affidavit and the relevant portion is extracted hereunder:

"10. It may be true that the lands of her ancestors were acquired for construction of canals. But for the acquisition of lands proper compensation was awarded to her ancestors. But the said acquisition of lands will not give the petitioner or her ancestors to lay any pipeline without prior permission from PWD authorities. Even though she is not taking any water from the PAP canals, she has no right to lay pipeline across the canal. Hence the orders of my office called on the petitioner to produce the permission letter for the laying of pipeline is in accordance with law."

5. Heard *Mr.C.Prabakaran*, learned counsel for the petitioner and *Mr.P.Ganesan*, learned Additional Government Pleader for the respondent.

6. In the considered view of this Court, the controversy is with respect to the pipeline that has been laid in the subject property, which, according to the respondent, runs across the PAP canal. This



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issue can be resolved if the petitioner cooperates for the enquiry before the respondent and the respondent satisfies himself that the pipeline is in fact only from the well belonging to the petitioner to irrigate the agricultural lands.

7. In view of the above, there shall be a direction to the respondent to issue notice to the petitioner and conduct an enquiry and thereafter take a decision. Till a final decision is taken by the respondent, the present *status quo* shall be maintained.

8. This writ petition is disposed of in the above terms. There shall be no order as to costs. Consequently, W.M.P.No.16583 of 2022 is closed.

01.07.2025

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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To

1. The Assistant Engineer
Water Resource Department
Basin Division No.2, Aliyar Nagar
Pollachi, Coimbatore District.



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N.ANAND VENKATESH, J.

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