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WP No. 17949 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 17949 of 2024
and WMP Nos. 19682 & 19683 of 2024**

K.Kanagalakshmi,

Petitioner(s)

Vs

1. The District Collector,
Coimbatore District.

2.The Revenue Divisional Officer,
Anamalai Taluk, Coimbatore District.

3.The Tahsildar,
Anamalai Taluk.

4.The Assistant Engineer,
Water Resources Organization,
Irrigation Division-I,
Anamalai Taluk, Coimbatore District.

5.Nachimuthu

Respondent(s)



PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the order passed by the 3rd respondent dated 23.09.2022 made in Na.Ka.2534/2022/A1 and to quash the same.

For Petitioner(s): Mr.V.Anandhamoorthy

For Respondent(s): Mr.G.Velu
Additional Government Pleader
for R1 to R3
Mr.E.Vijay Anand
Additional Government Pleader for R4
Mr.K.Sudhakar for R5

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 23.9.2022.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The case of the petitioner is that his father was the absolute owner of the subject property which comes under the Parambikulam Aliyar Project [PAP]



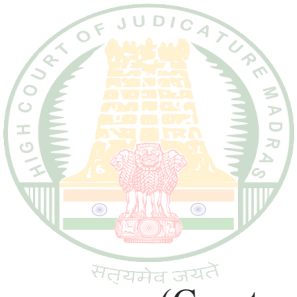
Scheme. The land was irrigated from the water supplied under the Scheme.

The petitioner's father died on 06.7.2014 leaving behind the petitioner and the petitioner thereafter continued with the agricultural activities.

4. There was a dispute over sharing of water with the 5th respondent. A compliant was given by the 5th respondent and based on the same, the 3rd respondent has issued the impugned proceedings dated 23.9.2022, which has been put to challenge in the present writ petition.

5. The 4th respondent has filed a counter affidavit. The 4th respondent has justified the order passed by the 3rd respondent and has sought for the dismissal of this writ petition.

6. The main issue that was raised by the learned counsel for the petitioner is that the 3rd respondent is not vested any power or jurisdiction to pass such an order in the light of the provisions of the Tamil Nadu Irrigation Works



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(Construction of Field Bothies) Act, 1959. It is submitted that it is only the Collector who is vested with the power of enquiring and taking a decision. Section 2(b) defines a Collector which includes the Revenue Divisional Officer and any person appointed by the Government to exercise any of the functions of a Collector under this Act. It is submitted that the 3rd respondent who is the Tahsildar has no power or jurisdiction to conduct the enquiry and to pass orders.

7.The learned counsel appearing on behalf of the 5th respondent submitted that the order was passed based on the complaint given by the 5th respondent and that this order will not cause any prejudice to the petitioner.

8.In the considered view of this Court, the merits of the case that has been dealt with in the impugned order, will become material, only if the 3rd respondent has the power and jurisdiction to pass such an order.



9. The 3rd respondent is not the designated authority under the Act. The parties are governed under the Act and therefore, only the authority who has been designated can pass such an order. The term "Collector" will include the RDO or any other person designated to carry on with the functions of the Collector under the Act. The 3rd respondent does not satisfy any of these requirements. In view of the same, it was beyond the jurisdiction of the 3rd respondent to pass the impugned order and it must be declared as non-est in the eye of law.

10. In the light of the above discussion, without going into the merits of the case, this Court is setting aside the order passed by the 3rd respondent only on the ground of lack of jurisdiction. Accordingly, the impugned order of the 3rd respondent is set aside. The complaint given by the 5th respondent shall be forwarded to the 2nd respondent who is the competent authority. The 2nd respondent shall conduct the enquiry after affording opportunity to the petitioner and the 5th respondent and pass orders on its own merits and in accordance with law within a period of eight weeks.



11. In the result, this writ petition is allowed with the above directions.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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