



W.P. No.2971 of 2014

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. No.2971 of 2014

and

M.P. No.1 of 2014

- 1.P.Subramaniam
- 2.Rajammal
- 3.Jayalakshmi
- 4.Vijayalakshmi
- 5.Rajendiran

...Petitioner(s)

vs.

- 1.The District Collector,
Thiruppur District,
Thiruppur.
- 2.The Executive Engineer,
Public Works Department/PAP,
Thirumoorthy Division,
Udumalapet, Thiruppur District.
- 3.The Tahsildar,
Dharapuram Taluk,
Dharapuram, Thiruppur District.

- 4.Kathirvel

...Respondent(s)

(R4 impleaded as per order dated 08.10.2025 in M.P.No.2 of 2014 in W.P.No.2971 of 2014 by MDIJ)



W.P. No.2971 of 2014

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating tot the impugned proceedings in Na.Ka.No.4539/13/A1 dated 27.12.2013 of the 3rd respondent and quash the same as illegal and non-est in law and consequently forbear the respondents herein, their men, agents or subordinates from in any way dispossessing the petitioners from any part of their agricultural patta lands comprised in Old Survey No.272 Part, New Survey No.59 situated in Govindapuram Village, Dharapuram Taluk, Thiruppur District except under due process of law.

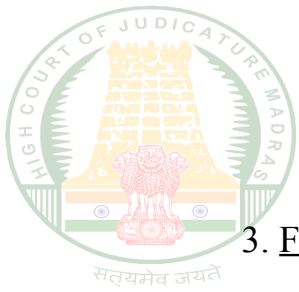
For Petitioner(s) : Mr.Ma.P.Thangavel

For Respondent(s) : Mr.T.M.Rajangam
Government Advocate

ORDER

The writ petition is filed praying for a writ of Certiorarified Mandamus calling for the entire records relating to the impugned proceedings in Na.Ka.No.4539/13/A1 dated 27.12.2013 of the 3rd respondent and quash the same as illegal and non-est in law and consequently forbear the respondents herein, their men, agents or subordinates from in any way dispossessing the petitioners from any part of their agricultural patta lands comprised in Old Survey No.272 Part, New Survey No.59 situated in Govindapuram Village, Dharapuram Taluk, Thiruppur District except under due process of law.

2. Since no adverse orders are being passed against 4th Respondent, notice to the 4th Respondent is dispensed with.



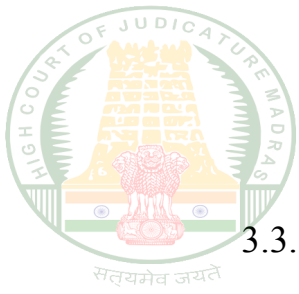
W.P. No.2971 of 2014

3. Facts of the case:

WEB COPY

3.1. Petitioners purchased an agricultural land measuring an extent of 20 acres, comprised in Survey No.59, situated at Govindapuram Village, Dharapuram Taluk, Thiruppur District from one Narayanasamy Naidu. It is stated that petitioners are in possession and enjoyment of the subject land by mutation of revenue records and joint patta issued in favour of them vide Sale Deed dated 09.12.1998. The said lands are covered under the PAP Ayacut Scheme. Even though there is no flow of water and they are depending on bore well for irrigation, petitioner's families are depending on the subject land for their income by way of agricultural operation in the subject land. While so, the said Narayanasamy Naidu died on 13.11.2013, leaving behind petitioners 2 to 5 as legal heirs, who are the joint owners of the land.

3.2. On 27.12.2013, the 3rd respondent issued impugned proceedings for providing PAP canal water in Survey No.57 and directed to construct field pothy in the land comprised Survey No.59 by constructing 56 metres of canal and 326 metres of canal in the land comprised in Survey No.60 for enabling free flow of water to the land comprised in Survey No.57. Challenging the same, petitioners have filed the present writ petition.



W.P. No.2971 of 2014

3.3. Learned counsel for petitioners would submit that as against the order passed by Tahsildar/ 3rd respondent, there is an effective remedy by way of appeal before the 1st respondent in terms of Section 25 of the Tamil Nadu Irrigation Works and Construction of Field Bothys Act, 1959. Learned counsel for petitioners seeks the liberty of this Court to file an appeal before the 1st respondent.

4. The learned counsel for the Respondents has no serious objection to the said order being passed and would submit that if any such appeal is filed the same would be considered and appropriate orders would be passed in accordance with law.

5. In view of the aforesaid submissions, this Court without going into the merits of the case, grants liberty to the petitioners to file an appeal before the 1st respondent within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioners, the District Collector/ 1st respondent shall consider the appeal and pass appropriate orders in accordance with law after providing a reasonable opportunity of hearing to the petitioners and other interested parties including Kathirvel/4th respondent herein. It is made clear that the period during which this writ petition is pending before this Court



W.P. No.2971 of 2014

is excluded for the purpose of calculating limitation, if any.

WEB COPY

6. Accordingly, the writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

08.10.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

mka

(Note: Registry is directed to carry out necessary amendments in the cause title)

To:

- 1.The District Collector,
Thiruppur District,
Thiruppur.
- 2.The Executive Engineer,
Public Works Department/PAP,
Thirumoorthy Division,
Udumalapet, Thiruppur District.
- 3.The Tahsildar,
Dharapuram Taluk,
Dharapuram, Thiruppur District.



WEB COPY



W.P. No.2971 of 2014

M.DHANDAPANI, J.

mka

W.P. No.2971 of 2014

08.10.2025

($\frac{1}{2}$)