



WEB COPY

WP No. 24263 of 2025 etc., ba



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-07-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP Nos.24263, 24268, 24280, 24286,24287 of 2025  
and WMP Nos.27314, 27315, 27316, 27318, 27320, 27321, 27328, 27329,  
27331, 27334, 27336, 27337, 27338, 27339, 27340 of 2025**

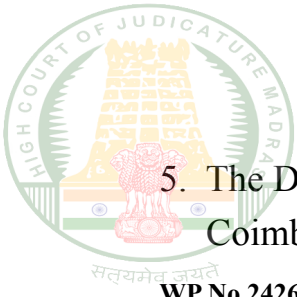
**WP No.24263 of 2025**

Mr.T.Kaniyappan  
S/o.Thimmappan

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai - 09
2. The Additional Chief Secretary,  
Water Resources Department,  
Fort St. George, Chennai
3. The Chief Engineer,  
Water Resources and Irrigation  
Department,  
Chepauk Railway Street,  
PWD Estate, Chepauk  
Triplicane, Chennai – 600 005
4. The Director,  
Sericulture Department,  
Nethaji Nagar, Hasthampatty  
Salem – 636 007



5. The District Collector,  
Coimbatore

WP No.24268 of 2025

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Mr.A.Pushparaj  
S/o.Angappa Gounder

..Respondents

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai - 09
2. The Additional Chief Secretary,  
Water Resources Department,  
Fort St. George, Chennai
3. The Chief Engineer,  
Water Resources and Irrigation  
Department,  
Chepauk Railway Street,  
PWD Estate, Chepauk  
Triplicane, Chennai – 600 005
4. The Director,  
Sericulture Department,  
Nethaji Nagar, Hasthampatty  
Salem – 636 007
5. The District Collector,  
Coimbatore

..Respondents

WP No.24280 of 2025

Mr.V.N.Muthusamy  
S/o.Nanjundagoudar

Petitioner(s)

Vs



1. The State of Tamil Nadu  
Rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai - 09
2. The Additional Chief Secretary,  
Water Resources Department,  
Fort St. George, Chennai
3. The Chief Engineer,  
Water Resources and Irrigation  
Department,  
Chepauk Railway Street,  
PWD Estate, Chepauk  
Triplicane, Chennai – 600 005
4. The Director,  
Sericulture Department,  
Nethaji Nagar, Hasthampatty  
Salem – 636 007
5. The District Collector,  
Coimbatore

**WP No.24286 of 2025**

Mr.K.Thangavel  
S/o.Kuppan

..Respondents

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai - 09
2. The Additional Chief Secretary,  
Water Resources Department,  
Fort St. George, Chennai
3. The Chief Engineer,  
Water Resources and Irrigation



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Department,  
Chepauk Railway Street,  
PWD Estate, Chepauk  
Triplicane, Chennai – 600 005

4. The Director,  
Sericulture Department,  
Nethaji Nagar, Hasthampatty  
Salem – 636 007
5. The District Collector,  
Coimbatore

**WP No.24287 of 2025**

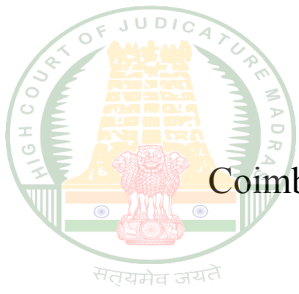
Mr.M.Govindasamy  
S/o.Marannagounder

..Respondents

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. By its Secretary,  
Public Works Department,  
Fort St. George, Chennai - 09
2. The Additional Chief Secretary,  
Water Resources Department,  
Fort St. George, Chennai
3. The Chief Engineer,  
Water Resources and Irrigation  
Department,  
Chepauk Railway Street,  
PWD Estate, Chepauk  
Triplicane, Chennai – 600 005
4. The Director,  
Sericulture Department,  
Nethaji Nagar, Hasthampatty  
Salem – 636 007
5. The District Collector,



..Respondents

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### **COMMON PRAYER**

Writ petition filed under Article 226 of constitution of India for the issue of writ of Certiorarified Mandamus seeking to call for the records pertaining to the issuance of the proceedings in GO MS.No.94 Water Resources Department dated 29.12.2023 on the file of the 2<sup>nd</sup> respondent and quash the same as unjust, illegal and arbitrary and forbear the respondents from the obstructing the writ petitioner from drawing the water from the Bhavani river by means of 5Hp pump set for irrigation purposes and pass orders.

#### **In all Writ petitions**

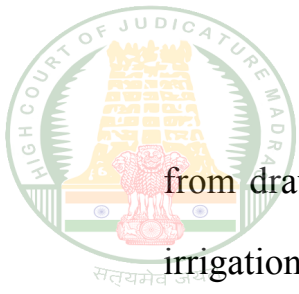
For Petitioner(s): Mr.M.Vijaymehanath

For Respondent(s): Mr.E.Veda Bagath Singh  
Special Government Pleader for  
R1 to R5

### **COMMON ORDER**

The issues involved in all the writ petitions are common, and hence they are taken together and heard and disposed of by these common orders.

2. The petitioners have questioned the impugned Government Order passed in (link unavailable) No.94, Water Resources Department, dated 29.12.2023, and to forbear the respondents from restraining the writ petitioners



from drawing water from the Bhavani river by means of a 5Hp pump set for irrigation purposes.

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3. Heard Mr.M.Vijayamehanath, learned counsel for the petitioners and Mr.E.Veda Bagath Singh, learned Special Government Pleader for the respondents 1 to 5 in all writ petitions.

4. The impugned Government Order has been passed cancelling the permission given to the petitioners only on the ground that the petitioners, who were supposed to utilise the water only for mulberry plants cultivation, have utilised it for planting other crops also. Therefore, since the condition prescribed while granting permission has been violated, the impugned Government Order was issued by the 2nd respondent.

5. On an earlier occasion, this Court had dealt with a similar writ petition filed in W.P.No.28438 of 2004 and batch, and in all these writ petitions, the permission granted for withdrawing water was cancelled on the very same ground. This Court interfered with the Government order mainly on the ground that there was no material to show that an opportunity was given to the concerned persons, and therefore, the Government order itself was in violation of the principles of natural justice.

6. The very same reason will apply to the case on hand. According to the

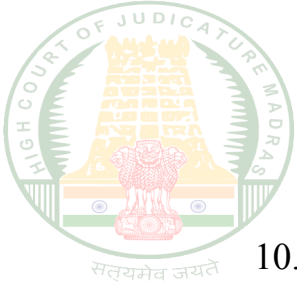


petitioners, since the petitioners have used the water for irrigation of crops other than mulberry crops, the petitioner could have been put on notice and given an opportunity, and thereafter, the order could have been passed. If this basic requirement is not satisfied, the impugned Government Order itself will suffer from a violation of the principles of natural justice.

7. The impugned Government Order was issued in the year 2023. The petitioners in the affidavit filed in support of the writ petitions have taken the ground that they were not aware of the issuance of this Government Order and they came to know of the same only after they approached the 2nd respondent to know the status of the inspection that was conducted by the 3rd and 4th respondents in their respective properties. Therefore, the delay in approaching this Court has also been properly explained in the affidavit.

8. In the light of the above discussions, this Court is inclined to interfere with the impugned Government Order in G.O. Ms. No.94, Water Resources Department, dated 29.12.2023 and the same is quashed.

9. There shall be a direction to the 2<sup>nd</sup> respondent to issue notice to the petitioners, call for inspection, and a copy of the inspection report shall be served on the petitioners, and thereafter, pass orders on its own merits and in accordance with law. This process shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



10. In the result, the writ petitions are allowed. No costs. Consequently,

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the connected miscellaneous petitions are closed.

**07-07-2025**

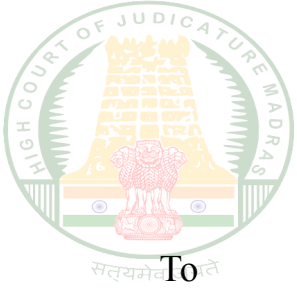
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**N.ANAND VENKATESH J.**  
**rka**

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