



WEB COPY

WP No. 34315 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 34315 of 2023

& WMP.Nos.34207, 34209 & 34210 of 2023

Kavitha Rajagopal
W/o.M.Pazhanivel, No.15, 4th Floor,
B Block, Hyderabad Estate, Napean
Sea Road, Malabar Hill,
Mumbai - 400 006.

Petitioner(s)

Vs

1. The District Collector
Tiruppur, Tamil Nadu - 641 604.

2.The Assistant Engineer
Department of Water Resources,
Amaravathi Watershed Division
No.3, Madathukulam.

3.The Tahsildar,
SH 17, Kuttai Thidai,
Udumalpet, Tamil Nadu - 642 126.

4.M.Maheswaran,
S/o.Murugasamy,
No.179, Poolavadi Main Road,
Thungavi Madathukulam Taluk,
Tirupur 642 203.
(the 4th respondent is impleaded vide
the order of this Court dated 06/11/2025
by MDIJ)

Respondent(s)

**PRAYER**

This writ petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent pertaining to the impugned order Lr.No.A.E.-III/D1 dated 22.11.2023 and quash the same and consequently forbear the respondents from in any way interfering with the petitioners peaceful possession and enjoyment of the water sluice located in the property comprised in S.No.247/6 Thungavi Village, Madathukulam Taluk, Kanniyur Sub Registration District, Thiruppur Registration District except by due process of law.

For Petitioner(s): Mr.Richardson Wilson

For Respondent(s): Mrs.S.Anitha,
Special Government Pleader
for RR1 to 3
Mr.S.Arivazhagan for R4

ORDER

This writ petition is filed to call for the records of the 2nd respondent pertaining to the impugned order Lr.No.A.E.-III/D1 dated 22.11.2023 and quash the same and consequently forbear the respondents from in any way interfering with the petitioners peaceful possession and enjoyment of the water sluice located in the property comprised in S.No.247/6 Thungavi Village, Madathukulam Taluk, Kanniyur Sub Registration District, Thiruppur Registration District except by due process of law.

2.The case of the petitioner is that the petitioner is the owner of the land situated in S.No.247, Thungavi Village, Madathukulam Taluk, Kanniyur Sub Registration District, Tiruppur Registration District to an



extent of 5.75 Acres. The said land was previously owned by the petitioner's mother-in-law Bakiyammal and after her death, the said land was jointly enjoyed by the petitioner's father-in-law Shri.Malaiyappa Gounder, and his legal heirs. Later the petitioner's husband Palanivel had given a valid consideration to his family members and obtained complete ownership of the property vide release deed dated 29.12.2008 registered as Document No.4166/2008 on the file of the Sub-Registrar Office of Kannyur. Thereafter, the above said land was transferred by the petitioner's husband Palanivel to the petitioner through a Settlement Deed dated 02.11.2011.

3.The further case of the petitioner is that while the above mentioned land was owned by Bakiyammal, an extent of 2.75 acre out of 5.75 acres of land in Sy.No.247 received water from sluice No.4(Right), which is a branch flowing from the Amaravathi Canal 22.6.210 and the rest of the 3 acres of land, permission was granted to draw water from sluice No.3(Left). However, the petitioner's mother-in-law drew water only from sluice No.4 for the entire 5.75 acres of land as the landowners of the sluice No.3 refused to permit to construct sluice No.3 for many years. The petitioner's mother-in-law thereafter had requested for regrouping the 3 Acres in sluice No.3 and for facilitating the construction of sluice No.3. Accordingly, as per the order of the District Collector of Coimbatore dated



11.11.1996, the regrouping was done, along with revised schedule where 2 acres from sluice No.4 (Right) and 3 Acres from sluice No.3 (Left) was allotted.

4. In spite of the above order of the District Collector, the landowners of sluice No.3 and 4 refused to let water, the petitioner's mother-in-law made a representation to the Executive Engineer of Amaravathi Water Shed Division, Karur on 20.12.1998 requesting to include the land bearing Survey No.247/6 to the new sluice that was yet to be built between the sluice No.2 and sluice No.3 and to construct a separate sluice at her farmland in Survey No.274/6 at her own expense as the landowner at sluice No.3 refused to construct the sluice in his expense. Accordingly, the District Collector, Coimbatore was pleased to pass an order dated 09.02.1999 to take water from the sluice No.3 by fixing a pipe based on the letter given by the Tahsildar of Udumalpet on 23.12.1998 recommending to construct a separate sluice before the sluice No.3.

5. The grievance of the petitioner is that despite the order passed by the District Collector, Coimbatore dated 09.02.1999, the Tahsildar, Madathukulam had passed an order on 26.08.2010 stating that the petitioner's husband Palanivel had kept an unauthorized sluice and using the water illegally and restricting the water to others, for which, the



petitioner's husband sent a reply on 30.08.2010 stating that the water was not reaching the surrounding landowners due to non-maintenance of the sluice and not because of he restricting it. Despite, all these proceedings, a notice dated 22.11.2023 was sent by the second respondent directing the petitioner to remove any temporary sluice from the Amaravathi Main Canal 22.6.215 within a period of 7 days. Challenging the said order dated 22.11.2023, the present writ petition is filed.

6.The learned counsel for the petitioner submits that a direction be issued to the second respondent to remove the temporary sluice other than the one at Sy.No.247/6, for the construction of which, the District Collector had granted permission vide order dated 09.02.1999.

7.Heard the learned counsel on either side and perused the materials available on record.

8.In view of the facts and circumstances of the case, there shall be a direction to the second respondent to remove the temporary sluice except the one at Sy.No.274/6, for the construction of which, permission was granted by the District Collector, Coimbatore vide order dated 09.02.1999, within a period of six(6) weeks from the date of receipt of a copy of this order.



9.The writ petition is disposed of accordingly. No costs.

Consequently, the connected miscellaneous petitions are closed.

06-11-2025

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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