



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.47242 of 2025

S.Selvakumar

.. Petitioner

Versus

1. The District Collector
The Office of the Collectorate
Coimbatore – 18

2.The Tahsildar
Office of the Tahsildar
Pollachi – 642 001

3.M.Moorthy
4.M.Sabapathy
5.S.Senthilvel

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order vide ந.க.எண்.3372/2021/ஆ dated 24.10.2025 on the file of the 2nd respondent and quash the same besides directing the respondents 1 and 2 to take criminal action against the respondent 3 to 5 for the offences punishable under Section 7(2) of the Tamil Nadu Irrigaiton Works (Construction of Field Bothies) Act, 1959, Act No.25 of 1959 and Section 326(A) of BNS.

For Petitioner : Mr.S.Nagarajan
For Respondents : Mr.S.Rajesh for R1 and R2
Government Advocate

ORDER

The petitioner challenges the impunged order dated 24.10.2025 passed by the second respondent.



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2. The petitioner has originally filed a writ petition in WP.No.31608 of 2025, wherein, this Court vide order dated 25.08.2025 directed the respondents 1 and 2 to deal with the representation of the petitioner dated 03.07.2025 after affording the opportunity to the respondents 3 to 5 shall take a decision within a period of eight weeks. Based on such direction, the representation of the petitioner has been considered vide the impugned order and the second respondent has stated that since there is no obstruction present in the water flow and the canal, no further action is required. Challenging the said order, the present writ petition has been filed.

3. It is the grievance of the petitioner that the third parties have obstructed the water canal in the year 2020 and as per the Section 7(2) of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959, such obstruction invites the criminal prosecution, however, no action has been taken.

4. Heard both sides and perused the materials placed on record. By consent of both sides, this writ petition is taken up for final disposal in the admission stage itself.

5. The obstruction is said to have caused in the year 2020, punishment for such offence is six months, now, almost 5 years is over. Therefore, at this time, even



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taking cognisance is barred under law as per Section 468 of Code of Criminal Procedure (516 of Bharatiya Nagarik Suraksha Sanhita, 2023). Further, it is to be noted that now there is no obstruction which has been clearly recorded in the impugned order by the second respondent. Such view of the matter, as a matter of right, the petitioner cannot seek criminal prosecution. Such being the position, I do not find any merits in this petition. It is made clear that if at all any obstruction is being made in future, the same would invite criminal prosecution and the authorities shall proceed as per law by launching the criminal prosecution.

N.SATHISH KUMAR, J.

6. In view of the above, this writ petition stands dismissed. No costs.

11.12.2025

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes

To

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