



W.A(MD) No.164 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.164 of 2023
&
C.M.P.(MD)Nos.2145 & 2146 of 2023**

AL.Kanagambal

... Appellant / Writ Petitioner

Vs

- 1.The District Collector,
Sivagangai,
Sivagangai District.
- 2.The Chief Engineer,
Madurai Region,
Water Resource Office,
Tallakulam, Madurai-625 002.
- 3.The Superintending Engineer,
Water Resource Department,
Lower Vaigai Basin Circle,
Sivagangai Collectorate,
Sivagangai District.
- 4.The Executive Engineer,
Water Resource Department,
Manimutharu Basin Division,
Devakottai-630 303.

... Respondents / Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.8259 of 2022, dated 30.11.2022.

For Appellants : Mr.V.G.S.Murugan

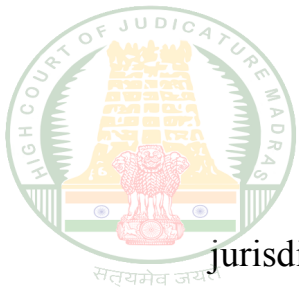
For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The question that calls for consideration is whether the appellant is entitled to draw water from Poyyalur Tank or Mandayampatti Kanmoi. The learned single Judge vide order dated 30.11.2022 in W.P.(MD)No. 8259 of 2022 had held that the petitioner has been drawing water only from Mandayampatti kanmoi. We are clearly of the view that these are issues that have to be resolved only before the jurisdictional civil Court after adducing evidence. We vacate the findings set out in the order of the learned single Judge. We relegate the appellant to go before the



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jurisdictional civil Court. The proceedings impugned in the writ petition will abide by the outcome of the civil Suit. The learned counsel for the appellant states that the appellant will file a civil suit within a period of four weeks from the date of receipt of a copy of this order. As and when the plaint is filed, it shall be numbered without delay provided the papers are in order.

3. The Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
05.06.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Chief Engineer,
Madurai Region,
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Tallakulam, Madurai-625 002.

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3.The Superintending Engineer,
Water Resource Department,
Lower Vaigai Basin Circle,
Sivagangai Collectorate,
Sivagangai District.

4.The Executive Engineer,
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