



W.P(MD)No.841 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.841 of 2022

Mohamed Hakim

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Executive Engineer,
Public Works Department,
Building and Maintenance,
Ramanathapuram District.

3.The Executive Engineer,
Public Works Department,
Water Source Department,
Keelvaigai Vadinila Kottam,
Ramanathapuram District.

4.A.Gunasekaran

5.M.Thangappan

6.Solairaj

7.Selvaraj

8.A.Nagarathinam

... Respondents

*(R4 to R8 are impleaded vide order dated
14.08.2023 in W.M.P.(MD)No.6002 of 2023 in
W.P.(MD)No.841 of 2022 by BPJ)*

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the diversion pipe/cross bund and artificial block created by the 3rd respondent across the Naranamangalam Canal (Kaalvai) and also to remove the sand bags illegally kept by the 3rd respondent on the emergency exit of Vaigai Kanmai by considering the representation preferred by the petitioner dated 22.12.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Ms.Jasima Yasmin,
For M/s.Ajmal Associates.

For Respondent : Mr.D.Gandhi Raj,
Spl. Government Pleader for R1 to R3.
No appearance for R4 to R8.

ORDER

This writ petition has been filed for directing respondents to remove the diversion pipe / cross bund and artificial block created by the third respondent across the Naranamangalam canal and also to remove the sand bags illegally kept by the third respondent on the emergency exit of Vaigai canal.



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2.The petitioner is the President of Pottagavayal Panchayat.

During rainy season, rain water gets stagnated in the agricultural land, residential area and school premises. The excess rain water flowing over and above of the petitioner's village has been passing through Naranamangalam canal, which leads the water to sea. While being so, the third respondent had inserted diversion pipe / cross bund across Naranamangalam canal and diverted the water to Vaigai canal. Further, the third respondent had also made artificial block across Naramangalam canal and thereby, diverted the water flow to Vaigai canal. As a result of which, water level is quickly filled up in Vaigai canal and the excess water overflows into the petitioner's village. Hence, the petitioner submitted a representation dated 22.12.2021. Since no action was taken on the said representation, the petitioner was constrained to file the present writ petition.

3.The third respondent has filed counter affidavit and also produced the “A” register of Pottagavayal village. The learned Special Government Pleader for the official respondents reiterated the same and prayed this Court to dismiss the writ petition.



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4. Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents and perused the materials on record.

5. On perusal of the materials on record, it is seen that as per “A” register, Naranamangalam canal is not within the limit of Pottagavayal village. However, Vaigai canal is situated in S.No.312 in Pottagavayal village. The rain water in and around of Pottagavayal village passes through a pipe culvert and enter into Vaigai canal. It is used for irrigation purposes and public utilities. Once the canal gets water to its full capacity, the excess water goes to Naranamangalam canal. If the rain water is diverted, there is no source for Vaigai canal. Surplus weir had been constructed to raise the height of Vaigai canal. The center part of weir is lower than the canal. Hence, sand bags are kept in the calingulla portion in order to store more water in the canal. Only during monsoon, Vaigai canal gets more water. At that time, some sand bags are removed to overflow the water from the canal and thereby, preventing the canal from any dangerous situation.



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6.The learned Special Government Pleader produced photographs to show that there is no stagnation of water either in the residential area of Pottagavayal village or in the school premises. It is seen that the school is located adjoining to the canal and it is lower than the level of the said canal. Only if the school building is constructed above the level of Vaigai canal, there may not be stagnation of water in the school campus. It is for the petitioner to workout the same in the manner known to law. The prayer sought for by the petitioner cannot be considered and the writ petition is liable to be dismissed. It is accordingly dismissed.

No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.K.ILANTHIRAIYAN, J.

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