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W.P(MD)No.1103 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.1103 of 2025
and
WMP(MD)No.743 of 2025**

A. Soosai Raja

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of Water Resource,
PWD State, Kamarajar Salai,
Chepauk, Chennai - 600 005.

2. The District Collector,
District Collectorate,
Sivagangai District.

3. Sub Collector ,
Devakottai, Ramnagar 630 303,
Sivagangai District.

4. Tahsildar,
Devakottai Taluk Office,
Ramnagar, Sivagangai District 630 303.

5. The Assistant Engineer,
Public Works Department,
Manimutharu Basin Division,
Ramnagar, Devakottai,



W.P(MD)No.1103 of 2017

Sivagangai District - 630 303.

6. District Superintendent of Police,
District Superintendent of Police Office,
Sivagangai 630 561.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to maintain the Sluice (Sarikai) situated in Muppaiyoor Kanmai by opening it during Monsoon to discharge excess water and closing it at Summer to preserve the water with temporary sand bags until Water Users Association is formed as per Sec 22 of the Tamil Nadu Farmers Managements of Irrigation System Act 2000.

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel, for
Ms.A.Amala
For R1 to R5 : Mr.P.Thilakkumar
Government Pleader
For R6 : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents herein to maintain the Sluice (Sarikai) situated in Muppaiyoor Kanmai, by opening it during Monsoon to discharge excess water and closing it at Summer, to preserve the water



with temporary sand bags, until Water Users Association is formed as per Section 22 of the Tamil Nadu Farmers Managements of Irrigation System Act 2000.

2. With regard to the said prayer, a representation dated 28.12.2024 was submitted by the petitioner's village people to the 2nd respondent / District Collector and finding inaction on the part of the 2nd respondent, the petitioner has filed this writ petition.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the official respondents to consider the representation dated 28.12.2024 submitted by the petitioner's village people, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be affected with the final decision to be taken on the said representation, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
27.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
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DATED : 27.01.2025