

W.P(MD)No.5703 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

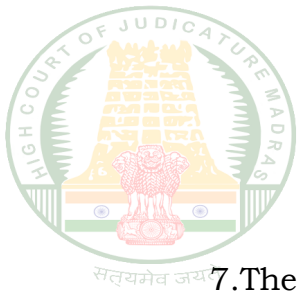
Writ Petition(MD)No.5703 of 2025

R.Krishnamoorthy

... Petitioner

Vs

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Orathanadu Taluk,
Orathanadu – 614 625,
Thanjavur District.
- 3.The Executive Engineer, WRD,
Kallanai Kalvai Kottam,
Thajavur.
- 4.The Assistant Executive Engineer, WRD,
Kallanai Kalvai Kottam,
Pattukottai,
Thanjavur District.
- 5.The Assistant Engineer,
Kallanai Kalvai Division,
Veeikadu,
Orathanadu Taluk,
Thanajvur District.
- 6.The Project Director,
District Rural Development Agency,
Thanjavur – 613 010.



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7.The Executive Authority,
Office of Village Panchayat,
Mandalkottai Village,
Orathanadu Taluk,
Thanjavur District.

8.R.Kesavan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 6th respondent to take appropriate action as per Letter dated 18.12.2024 of the 3rd respondent on the petitioner's representation dated 18.10.2024 to open during rainy season every year, the sluice gate at No.10 irrigational canal coming from Gate 2/5, Kallanai Kalvai Rajamadam Canal, and situated near Kilinjal Lake in Vadakkikottai Village, Orathanadu Taluk, Thanjavur District within a stipulated period of time as this Court may fix.

For Petitioner : Mr.D.Gnanasekaran

For Respondent : Mr.A.Kannan
Addl. Govt. Pleader
(for RR1 to 6)

Mr.N.Ramesh Arumugam
Govt. Advocate (for R7)

ORDER

The petitioner has approached this court for issuance of a Writ of Mandamus to direct the 6th respondent to take appropriate action and open the sluice gate at No. 10 irrigational canal coming from Gate 2/5, Kallanai Kalvai Rajamadam Canal, and situated near Kilinjal Lake in Vadakkikottai Village, Orathanadu Taluk, Thanjavur District.

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2. The petitioner pleads that he is the owner of the property to an extent of 1.73 cents comprised in S.Nos. 17/3, 17/4, 17/5 and 17/6 situated at 32, Vadakkikottai Revenue Village, Orathanadu Taluk, Thanjavur District. According to him, in the said village, there is an existence of an irrigation canal starting from the Kallanai Kalvai Rajamadam Canal running south to north. He pleads that the canal is under the control of the 7th respondent/village panchayat. He pleads that there is a sluice gate near Kilinjal Lake and that this gate is opened during the rainy season in order to drain the excess water into Kilinjal Lake.

3. It is alleged that in 2023, the 8th respondent started a Fish Farm in the said Lake, and closed the sluice gate. On account of this closure, the land of the petitioner inundated causing huge damage to him. The petitioner, pointing out all these facts, sent a representation to the respondents on 18.10.2024. The District Collector, Thanjavur District, on the basis of the representation, directed the third respondent, Executive Engineer, WRD, Kallanai Kalvai Kottam, Thanjavur, to take appropriate action in this regard. As no action has been taken, the present writ petition has been filed.



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4. The simple plea of the petitioner is that the sluice gate should be opened during the rainy season in order to drain the excess water into Kilinjal Lake and thereby, preventing flooding of his agricultural lands.

5. Considering the fact that the agriculture is being affected on account of the alleged commercial activities carried on by the 8th respondent, I directed Mr.A.Kannan, learned Additional Government Pleader, to take notice for the respondents 1 to 6, and Mr.N.Ramesh Arumugam, learned Government Advocate, to take notice for the 7th respondent and get instructions in this regard.

6. On the next date of hearing, Mr.A.Kannan has produced the records to show that the storage water in the tank does not affect the right of the writ petitioner.

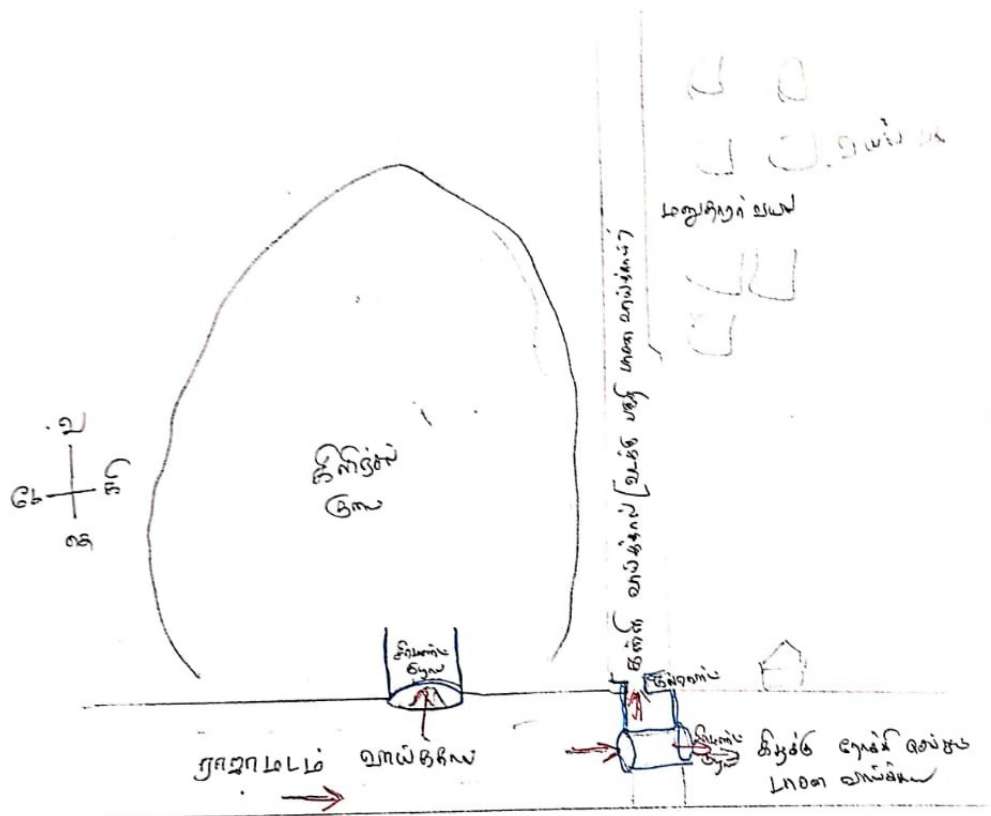
7. Not being satisfied with the response, I requested Mr.A.Kannan to find out whether there is flooding taking place in the agricultural lands during the rainy season.

8. The respondents have produced a rough sketch and photograph of the area in question.

9. Mr.N.Ramesh Arumugam argues on the basis of the rough sketch. The rough sketch is extracted hereunder:



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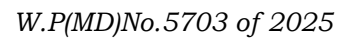
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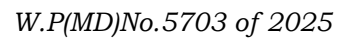


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10. Mr.N.Ramesh Arumugam states that there is no sluice gate, as alleged by the writ petitioner, available either on the side of the lake or in the area connecting Rajamadam Vaikal with “Kannivaikal.” The sketch shows that the petitioner's land is not abutting the lake, but it is situated on the eastern side of the Kannivaikal. This submission is substantiated by the photographs that have been produced. The relevant photographs are extracted hereunder:









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11. The issue of opening the sluice gate arises only if there is a sluice gate. When there is no sluice gate, I cannot give a direction to the respondents to open one.

12. In the light of the sketch and photographs, I am not in a position to entertain the writ petition. Hence, this writ petition is dismissed. No costs.

12.03.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

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- 5.The Assistant Engineer,
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V.LAKSHMINARAYANAN, J.

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