

W.P(MD)No.19238 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.19238 of 2024

and

W.M.P(MD)No.16307 of 2024

- 1.Gnana Jesu Anthony
- 2.Jenil Singh
- 3.Elango
- 4.Selvamani
- 5.Vijayendran
- 6.Sekar

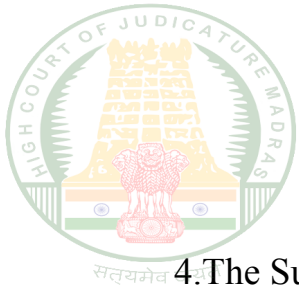
... Petitioners

Vs.

1.The Secretary to Government,
Government of Tamilnadu (Agricultural Department),
St.George Fort,
Chennai-9.

2.The Principal Secretary to Government,
Water Resource Department,
St.George Fort,
Chennai-9.

3.The Principal Secretary to Government,
Agriculture-Farmers Welfare Department,
Chennai-9.



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4.The Superintending Engineer,
Thamirabarani Basin Circle,
Water Resources Department,
Tirunelveli-2.

5. The District Collector,
Kanyakumari District,
Nagercoil.

6. The Executive Engineer,
Kodayar Basin Division,
Water Resources Department,
Nagercoil.

7.The Joint Director,
Agriculture, Farmers Welfare Department,
Collectorate Campus,
Nagercoil.

8.The Deputy Director,
Horticulture Department,
Collectorate Campus,
Nagercoil.

9.The Assistant Executive Engineer,
Pazhayaru Sub Division,
Nagercoil.

10.The Assistant Engineer,
Boothapandy Irrigation Section,
Boothapandy & Post,
Kanyakumari District.

11.S.Peter

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India



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praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 to provide sufficient compensation to the agriculturists under the Thoivalai main channel ayacut for the withered crops considering the representation of the petitioners dated 16.07.2024.

For Petitioners : Mr.C.T.Perumal

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1 to R10

: No appearance for R11

ORDER

This Writ Petition has been filed for issuance of the Writ of Madamus, to direct the respondents 2 & 3 to provide sufficient compensation to the agriculturists under the Thoivalai main channel ayacut for the withered crops considering the representation of the petitioners dated 16.07.2024.

2. The learned counsel for the petitioners submitted that the season for growing the crop is June, July and August. If there is any repair to the Ayacutdhar channel, then the respondents ought to have completed prior



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to that. In the present case, the respondents have started the repair work in the fag end of May which continued during June and July. Therefore, there was no water to the Aayacutdhar. Hence, the crops which were invested could not grow properly. Hence the farmers in and around the Thoivalai main channel Aayacut incurred loss.

3. The learned Special Government Pleader for the official respondents filed counter and submitted that the petitioners ought to have approached the authorities at the earliest, but the petitioners have approached belatedly. The relevant portion is extracted hereunder:

“9. It is further submitted that sufficient rainfall recorded in Kanyakumari District in the year 2024, the details of rainfall from May 2024 to July 2024 is given below:

SL.No.	Month	Normal Rainfall (mm)	This Year Rainfall (mm)	Difference (mm)
1	May	158.20	424.70	(+)266.50
2	June	211.40	215.00	(+)3.60
3	July	150.00	64.17	(-)85.83

As per the above data, sufficient rain fall recorded in the District most particularly during the month of May and June, excess rain recorded than the average rainfall.



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From the above data it is clearly revealed that no shortage of water for cultivating crops especially during the month of May and June. Moreover, no complaint or petition has been received from any one regarding crop damage due to shortage of water particularly during the month of May and June.

10. As regard to paragraph 8 of the affidavit it is submitted that as per the provisions laid down under 23 and 24 of the Tamil Nadu Farmers' Management of Irrigation System Act, 2000 views of not only the Distribution Committee but also the views of farmers association also taken up into consideration before finalizing operation plan relating area, soil and cropping pattern etc. It is humbly submitted that the petitioners in their affidavit never put forth any specific allegation against Respondents 1, 3 and 7 and in the instant case, the writ petitioners have not challenged any of the orders passed by the Respondents 1,3 and 7 herein and failed to show any cause of action for impleading them as the parties in the instant Writ Petition.

11.As regard to paragraph of the affidavit it is submitted that as stated supra excess of 266 mm rain fell during the month of May than the average rain falls already recorded Moreover, no complaints regarding crop damage due to shortage of water has been received the office of the Respondents 1,3 and 7 herein, The Writ



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Petitioners unnecessarily Impleaded them as Respondents in the writ petition since the respondents are not the appropriate authority to supervise the work allotted and supervise the progress of work. The inclusion of the Respondents 1, 3 and 7 in this case which cause much inconvenience to the office as well as entire administration.”

4. Further the petitioners have not agitated against the orders passed by the respondents 1, 3 and 7 and now cannot seek a simple Mandamus. Moreover, the rain water fall was adequate during the said two months. Therefore, there is no loss to crops. Further, the work has been completed partially for letting the water for the irrigation purpose and the water was let in the canal on 07.01.2024 and the water flow was allowed for the entire irrigation system. Further the petitioners were aware of the construction during the first week of August 2024. In order to put up proper construction and the quality of the work, the respondents could not compromise and it took time for putting up the construction. For such reasons, the petitioners cannot make an allegation against the respondents 1 to 3 for the loss incurred.



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5. After hearing the rival submissions, this Court is of the considered opinion that the allegation against the respondents that the channel was not properly opened during the season may not be correct since partial water flow was allowed. However the fact remains that the petitioners incurred loss which is evident from the answers submitted under Right to Information Act.

6. Therefore the fact remains that the petitioners and some of the farmers are incurred loss. In such circumstances, the respondents are bound to grant some compensation. Therefore, the first respondent is directed to consider the petitioner's representation dated 16.07.2024 and pass appropriate orders. The first respondent is further directed to call for report from the fifth respondent/the District Collector, 7th respondent/ the Joint Director and other respondents, if a report is necessary from other respondents. The first respondent is directed to seek a clarification on the report and based on the report, the first respondent shall take a call on the loss incurred by the petitioners and grant compensation. The said exercise shall be completed within a period of four months.



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7. With this direction, this Writ Petition is disposed of. No Costs.

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Consequently, connected miscellaneous petition is closed.

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(2/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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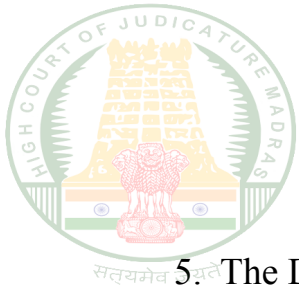
To

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2.The Principal Secretary to Government,
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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED : 06.08.2025