



W.P(MD)No.22248 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.22248 of 2022

and

W.M.P(MD)No.16424 of 2022

M.S.Ulaganathan

... Petitioner

Vs

The Executive Engineer,
Water Source Organization,
Manimutharu,
Devakottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to orders passed by the respondent the impugned order in letter No. 140/M/2022/கோ.64(பொ)/இ.வ.அ.6 dated 22.08.2022 and quash the same.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

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This writ petition has been filed challenging the order passed by the respondent, dated 22.08.2022 thereby directed the petitioner and other villagers to renovate the water channel by putting concrete on their own expenses.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner is residing at N.Mampatti Village, Singampunari Taluk, Sivagangai District. In his village, there is a Eluvani Kanmai located and its water has been used to irrigate the entire village and more than 450 acres of agricultural land are depending water from the said Kanmai for irrigation. While being so, the petitioner and other villagers used the concrete water channel for their personal purposes and damaged the water channel. Therefore, the petitioner was directed to renovate the water channel on his own expenses.

4. On perusal of the counter affidavit filed by the respondent and on the submission made by the learned Special Government Pleader



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revealed that the reconstruction of Eluvani Tank weir and repairs to Sluice No.1 and Sluice No.2 were carried out under World Bank Aided Project of IAMWARM in the year 2008-2009 by the respondent. There was 2 rows of 60 cm dia RCC hume pipe arrangement which was served as pipe culvert along with the field irrigation channel. It is very useful for the village people to do their agricultural activities in order to cross the field irrigation channel under Sluice No.1. While being so, Sluice No.1 field irrigation channel was damaged by the villagers belonged to the Oppilampatti Village, S.Mampatti Revenue Village, Singampunari Taluk, Sivagangai District. Therefore, a complaint was lodged before the Inspector of Police, S.S.Kottai Police Station. On enquiry, found that the petitioner and other villagers were caused damage to the channel. During the enquiry, they had also agreed to rectify the damaged channel. Therefore, the petitioner was directed to rectify the water channel on his own expenditure.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the respondent and it is devoid of merits and is liable to be dismissed.



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6. Accordingly, the writ petition is dismissed. It is made clear that the petitioner and other villagers are directed to renovate the water channel. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
am

22.01.2025

To

The Executive Engineer,
Water Source Organization,
Manimutharu,
Devakottai,
Sivagangai District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
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