



W.P(MD)No.15424 of 2016 etc.,

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.15424, 13505 and 13798 of 2016  
and W.P.(MD) No.23255 of 2017  
and  
W.M.P.(MD) Nos.13814, 11360, 10287, 10288,  
10089 and 10090 of 2016  
and 4637 of 2017**

W.P.(MD) No.15424 of 2016:

Pullantharaikulam, Uarkudi,  
Uruvattikulam Kanmoi,  
Karuppakudumban Anaikattu,  
Irrigation Tank Water User Association,  
Rep., by its President,  
6/199, Bharathi South-North Street,  
Viswanathaperi, Sivagiri,  
Tirunelveli District.

... Petitioner

Vs.

- 1.The District Collector,  
Tirunelveli District,  
Tirunelveli.
- 2.The Superintending Engineer,  
Vaipparu Vadinilavattam,  
Virudhunagar.
- 3.Ullar Muriapanchan Vivasaya Sangam,  
(Registration No.42/2014),  
Through its President,  
Rayagiri, Sivagiri Taluk,  
Tirunelveli District.

... Respondents



W.P(MD)No.15424 of 2016 etc.,

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 1<sup>st</sup> respondent in Roc.L6/18749/2014, dated 02.06.2016 and quash the same.

For Petitioner : Mr.M.Thirunavukkarasu  
For RR1 & 2 : Mr.S.P.Maharajan  
Special Government Pleader  
For R3 : No appearance

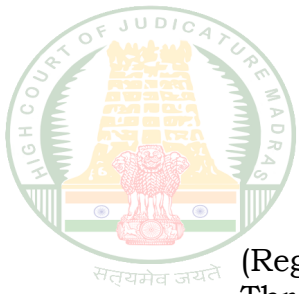
W.P.(MD) No.13505 of 2016:

Peria Avudaiperi, Chinna Avudaiperi and  
Vijayrendgaperi Irrigation Tank  
Water User Association,  
Rep., by its President, S.Rathinavelu,  
Old No.2, New No.3, Nethaji Road,  
Sivagiri, Tirunelveli District.

... Petitioner

Vs.

- 1.The State Government,  
Rep., by its Secretary,  
Public Works Department,  
Fort St. George, Chennai.
- 2.The District Collector,  
Tirunelveli District.
- 3.The Superintending Engineer,  
Vaipparu Vadinilavattam,  
Virudhunagar, Virudhunagar District.
- 4.The Executive Engineer,  
Mela Vaippar Vadilinaikottam,  
Rajapalayam, Virudhunagar District.
- 5.Ullar Muriapanchan Vivasaya Sangam,  
Registered under T.N.Societies Registration Act,



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(Registration No.42/2014),  
Through its President,  
Raayagiri, Sivagiri Taluk,  
Tirunelveli District.

6.Thenmalai, Vadamalai Tank  
Water User Association,  
Rep., by its President,  
P.Kalimuthu,  
Chennai Street, Thenmalai,  
Sivakiri Taluk, Tirunelveli District.

... Respondents

***[R6 is impleaded vide Court order dated  
09.09.2016 in W.M.P.(MD) No.12103 of 2016]***

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 2<sup>nd</sup> respondent in Roc.L6/18749/2014, dated 02.06.2016 and quash the same.

|                |   |                                                |
|----------------|---|------------------------------------------------|
| For Petitioner | : | Mr.H.Arumugam                                  |
| For RR1 to 4   | : | Mr.S.P.Maharajan<br>Special Government Pleader |
| For R5         | : | Mr.G.Mohankumar                                |
| For R6         | : | Ms.S.Mamtha<br>for Mr.P.Subbaraj               |

**W.P.(MD) No.13798 of 2016:**

Rasingaperi Tank Water User Association,  
Rep., by its President, S.R.Subramania Raja,  
No.40-A, Balavinayagar Kovil Street,  
Sivagiri, Tirunelveli District.

... Petitioner

Vs.

1.The State Government,  
Rep., by its Secretary,

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Public Works Department,  
Fort St. George, Chennai.

2.The District Collector,  
Tirunelveli District.

3.The Superintending Engineer,  
Vaipparu Vadinilavattam,  
Virudhunagar, Virudhunagar District.

4.The Executive Engineer,  
Mela Vaippar Vadilnakottam,  
Rajapalayam,  
Virudhunagar District.

5.Ullar Muriapanchan Vivasaya Sangam,  
Registered under T.N.Societies Registration Act,  
(Registration No.42/2014),  
Through its President,  
Raayagiri, Sivagiri Taluk,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 2<sup>nd</sup> respondent in Roc.L6/18749/2014, dated 02.06.2016 and quash the same.

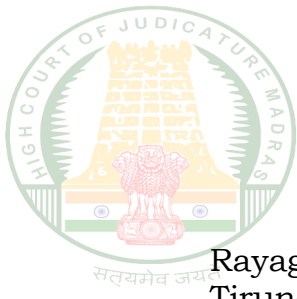
For Petitioner : Mr.K.Anand

For RR1 to 4 : Mr.S.P.Maharajan  
Special Government Pleader

For R5 : No appearance

W.P.(MD) No.23255 of 2017:

V.Subramanian,  
Melakkarisalkulam Water Irrigation  
Administrative Council Member-2,



W.P(MD)No.15424 of 2016 etc.,

Rayagiri Post, Sivagiri Taluk,  
Tirunelveli District.

... Petitioner

Vs.

1.The State Government,  
Rep., by its Secretary,  
Public Works Department,  
Fort St. George, Chennai.

2.The District Collector,  
Tirunelveli District, Tirunelveli.

3.The Superintending Engineer,  
Vaipparu Vadinilavattam,  
Virudhunagar, Virudhunagar District.

... 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 respondent to comply the second respondent's order in Roc.L6/18749/2016, dated 02.06.2016 by considering the representation of the petitioner dated 07.12.2017.

For Petitioner : Mr.K.P.Sankara Kumara Kuruparan

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader

### **COMMON ORDER**

**[Order of the Court was made by S.M.SUBRAMANIAM, J.]**

1.1. W.P(MD)Nos.15424, 13505 and 13798 of 2016 have been instituted challenging the proceedings of the District Collector, Tirunelveli, dated 02.06.2016.



W.P(MD)No.15424 of 2016 etc.,

1.2. W.P.(MD) No.23255 of 2017 has been instituted to direct the respondent to comply the second respondent's order in Roc.L6/18749/2016, dated 02.06.2016.

2. The learned counsel for the petitioners in W.P(MD)Nos.15424, 13505 and 13798 of 2016 would mainly contend that under the provisions of the Tamil Nadu Irrigation Tanks (Improvement) Act, 1949, the Government is the authority to take a policy decision for construction of check dams and regulation of water for irrigation purpose to the Ayacutdars. However, the District Collector has issued the order without jurisdiction. Further, no notice or opportunity was provided to the Farmers' Association and the Ayacutdars, who all are the beneficiaries.

3. Perusal of the order impugned reveals that the Collector has decided the issues in compliance with the directions issued by this Court in W.P.11815 of 2014, dated 01.09.2015, whereby this Court directed the District Collector to consider the representation and pass final orders. In the present case, such a direction had not served the cause of justice. Contrarily, the District Collector has passed an order without affording opportunity to the parties and without deciding the jurisdictional issues. Therefore, the learned counsel for the



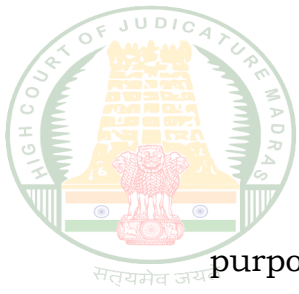
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petitioners in W.P(MD)Nos.15424, 13505 and 13798 of 2016 would urge this Court that the Government must decide these issues for the benefit of the farmers.

4. This Court is of the considered view that distribution of water for irrigation purpose is to be regulated in consonance with the Act and Rules and guidelines issued by the Government. In this regard, Farmer's Association is to be heard and opportunity is to be provided. However, construction of check dam is the policy decision to be taken and High Court, in exercise of powers of judicial review, cannot issue a direction. But the petitioners in W.P(MD)Nos.15424, 13505 and 13798 of 2016 restrict their relief by stating that the Government may hear the parties and take a decision to redress the grievance of the Ayacutdars and the Farmers' Association in the petition mentioned locality.

5. In view of the facts and circumstances, the petitioners in W.P(MD)Nos.15424, 13505 and 13798 of 2016 are at liberty to approach the Government and the Government may decide the preliminary issue regarding the jurisdiction of the District Collector, Tirunelveli to decide the issues and consider all other issues raised by the parties for the purpose of regulating the water for irrigation



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purposes in Rasingaperi Water User Association and other Sangam and Ayacutdars in the petition mentioned locality. In the event of any such representation from the recognised association and the aggrieved persons, the Government shall decide the same as expeditiously as possible.

6. With the above observations and directions, W.P(MD)Nos. 15424, 13505 and 13798 of 2016 stand disposed of.

7. In view of the orders passed in W.P(MD)Nos.15424, 13505 and 13798 of 2016, W.P.(MD) 23255 of 2017 is also disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**J.]**

**[S.M.S., J.]**

**[A.D.M.C.,**

**07.07.2025**

Index:Yes  
Internet:Yes  
NCC:Yes/No

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To

- 1.The District Collector,  
Tirunelveli District,  
Tirunelveli.
- 2.The Superintending Engineer,  
Vaipparu Vadinilavattam,  
Virudhunagar.
- 3.The Secretary to Government,  
State of Tamil Nadu,  
Public Works Department,  
Fort St. George, Chennai.
- 4.The Executive Engineer,  
Mela Vaippar Vadilinaikottam,  
Rajapalayam, Virudhunagar District.



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W.P(MD)No.15424 of 2016 etc.,

**S.M.SUBRAMANIAM, J.**  
**and**  
**DR.A.D.MARIA CLETE, J.**

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**W.P(MD)Nos.15424, 13505 and**  
**13798 of 2016 and**  
**W.P.(MD) No.23255 of 2017**

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