



WEB COPY



WP No. 3939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04.03.2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**WP No. 3939 of 2025  
and W.M.P.No.6436 of 2026**

V.S.Rajeswaran

...Petitioner

Vs

1. 1. The District Collector,  
Erode District, Erode.
- 2.The Executive Engineer,  
Water Resources Organization,  
Lower Bhavani Basin Division,  
Erode-2.
- 3.The Assistant Executive Engineer,  
Water Resources Organization,  
Lower Bhavani Basin Division,  
Irrigation, Sub-Division No.III,  
L.B.P.Colony, Tiruppur Road, Kangayam,  
Tiruppur District.
- 4.The Tahsildar,  
Modakurichi Taluk,  
Modakurichi, Erode District.
- 5.C.Palanisamy

...Respondents



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**Prayer:** Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to take necessary steps to implement the order passed by the first respondent in proceedings Na.Ka.No.22647/2020/A1, dated 22.12.2020.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.V.Yamunadevi  
Special Government Pleader  
for R1 to R4  
No appearance for R5

### **ORDER**

This Writ Petition has been filed to direct the respondents 2 to 4 to take necessary steps to implement the order passed by the first respondent vide proceedings in Na.Ka.No.22647/2020/A1, dated 22.12.2020.

2. The petitioner is the owner of the agricultural land situated in R.S.No.811, Arachalur Village, Modakkurichi Taluk, Erode District and the said land is registered as Ayacut lands under Lower Bhavani Project Scheme and he is getting water from Sluice No.12 in the Lower Bhavani Main Canal for irrigation. It is the claim of the petitioner that the fifth respondent is dumping soil on the sub canal and constructed the power loom unit on the sub canal, thereby preventing the water flow through the said sub canal. In this regard, the



petitioner has made a complaint to the respondents 1 to 4 to take action and remove the said soil and to arrange for free flow of water in the sub canal for enabling the petitioner to get water for irrigation. The first respondent conducted enquiry on 22.12.2020 and passed an order vide proceedings dated 22.12.2020 whereby directing the fifth respondent and others to remove the pipes laid down by the fifth respondent in the sub canal and construct concrete canal [box culvert] in the said waterways. Further, direction was issued that if any one constructed houses in Ayacut land, they should obtain No Objection Certificate from the Agricultural Department and also the Executive Officer, Town Panchayat should supervise that no one let out sewerage water into the said irrigation canal. However, even after the said proceedings was passed by the first respondent, the said encroachments were not removed and the petitioner sent several reminders to the respondents 2 to 4 to implement the order of the first respondent. Last of such representation was dated 15.10.2022, wherein the petitioner has also complained against the respondents 2 to 4 for not complying with the order passed by the first respondent.

3. The second respondent sent a communication dated 05.11.2024, wherein, he has also informed the first respondent/District Collector that the



first respondent is not inclined to carry out the directions issued by the District Collector and the fifth respondent has not come forward to construct box culvert. The grievance of the petitioner is that PWD Officials are empowered to remove all obstruction made in the canals, but they are shifting burdens on others which constrained the petitioner to file the present writ petition.

4. The learned counsel appearing for the petitioner submits that it would suffice, if this Court directs the first respondent to implement its own order dated 22.12.2020, within a reasonable time fixed by this Court.

5. The learned counsel appearing for the fifth respondent submits that earlier the fifth respondent instructed him to appear and subsequently, he has not given any instructions and therefore, he had given up the vakalat.

6. Heard the learned counsels appearing on either side. Since no adverse order is going to be passed against the fifth respondent, notice to the fifth respondent is dispensed with.



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7. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the first respondent to implement its own order dated 22.12.2020 within a period of six weeks from the date of receipt of a copy of this order, after providing opportunity to the fifth respondent, if there is no legal impediment.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

**04.03.2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

ssb



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To

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2. The Executive Engineer,  
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**M.DHANDAPANI, J.**

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