



WEB COPY

W.P.No.35956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.35956 of 2024

A.Kandhasamy

... Petitioner

-vs-

- 1.The District Collector,
Tiruppur,
Tiruppur District.
- 2.The Executive Engineer,
PAP Aliyar Vadinila Division,
Pollachi, Coimbatore District.
- 3.The Assistant Executive Engineer,
PAP Aliyar Vadinila Division,
Palladam, Tiruppur District.
- 4.The Junior Engineer,
PAP Aliyar Vadinila Division,
Senjeripudur, Sular Taluk,
Coimbatore District.
- 5.The Inspector of Police,
Kundadam Police Station,
Dharapuram Taluk,
Tiruppur District.



W.P.No.35956 of 2024

6.M.Mayilsamy

[R6 impleaded as per order dated 03.12.2024
in WMP.No.39843 of 2024]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to praying issue a Writ of Mandamus, directing the respondents to restore the kadaimadai Thotti of Sluice No.12 of Periykumarapalayam Branch Canal 7(L) by constructing other walls of kadaimadai Thotti so as to enable the petitioner to get water to his lands in R.S.No.414 (Old S.F.No.1108) and in R.S.No.413 (Old S.F.No.1109) at Puthu Ayyappanayakkanpalayam in Kasilingampalayam Village of Dharapuram Taluk in Tiruppur District.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.T.Arun Kumar,
Addl. Govt. Pleader for R1 to R4

Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor for R5

Mr.C.Prakasam for R6

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

The Writ of Mandamus has been instituted to direct the respondents to restore the Kadaimadai Thotti of Sluice No.12 of Periykumarapalayam Branch Canal 7(L) by constructing other walls of Kadaimadai Thotti, so as



W.P.No.35956 of 2024

to enable the petitioner to get water to his lands in R.S.No.414 (Old S.F.No.1108) and in R.S.No.413 (Old S.F.No.1109) at Puthu Ayyappanayakkanpalayam in Kasilingampalayam Village of Dharapuram Taluk in Tiruppur District.

2. A complaint was lodged stating that Kadaimadai Thotti of Sluice No.12 of Periykumarapalayam Branch Canal 7(L) was broken by few persons for their personal gain and to extract water illegally for the purpose of irrigation.

3. The learned Additional Public Prosecutor would submit that on receipt of complaint, action was taken and Sluice No.12 was re-constructed enabling Ayacutdars to take water for irrigation purpose. Since the issues are solved, no further consideration is required.

4. The learned counsel for the petitioner would oppose by stating that the petitioner is unable to take water for irrigation purpose and the grievance are yet to be addressed.

5. As per the Statutes, Rules and Government Circulars water is to be provided to Ayacutdars equally for irrigation purposes. Any damage



W.P.No.35956 of 2024

caused to the sluice or canal must be viewed seriously and the offenders must be prosecuted. It is the duty of the competent Authority serving in Water Resources Organization to protect the canal and distribute water to Ayacutdars for irrigation purpose and for other purposes. Distribution of water is to be made in accordance with the Statutes, Acts, Rules as well as the Schemes framed under the provisions of the Act by the Government. The Authorities are bound to implement the provisions of the Statute and the Schemes scrupulously. In the even of violation, the Authorities who commit such violation are liable to be prosecuted and subjected to departmental disciplinary proceedings.

6. In the present case, 2nd respondent/ Executive Engineer, Aliyar Vadinila Division is directed to conduct inspection of the conceder sluice in the canal and ensure equal distribution of water to Ayacutdars for irrigation purposes. Water is life. Water is capable of being stolen. Therefore, illegal extraction of water amounts to theft, which is punishable under BNS and other relevant provision of Criminal Law. The police Authorities are bound to register case for theft of water, if it is extracted illegally by any person for any purpose and proceed with the investigation. All concerned must ensure that water distribution is made in accordance with law for the benefit of Ayacutdars in that locality and for irrigation purposes.



W.P.No.35956 of 2024

7. With these directions, this Writ Petition stands **disposed of**. No costs.

(S.M.S,J.) (C.K,J.)
19.01.2026

Index: Yes / No
Internet: Yes / No
dsa

To:

- 1.The District Collector,
Tiruppur,
Tiruppur District.
- 2.The Executive Engineer,
PAP Aliyar Vadinila Division,
Pollachi, Coimbatore District.
- 3.The Assistant Executive Engineer,
PAP Aliyar Vadinila Division,
Palladam, Tiruppur District.
- 4.The Junior Engineer,
PAP Aliyar Vadinila Division,
Senjeripudur, Sulur Taluk,
Coimbatore District.
- 5.The Inspector of Police,
Kundadam Police Station,
Dharapuram Taluk,
Tiruppur District.



WEB COPY



W.P.No.35956 of 2024

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

dsa

W.P.No.35956 of 2024

19.01.2026