



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.13000 of 2014

M.Sundararaj

... Petitioner

Vs.

1.The Government of India,
rep.by its Secretary,
Water resources
No.626 M/o.Water Resources
Shram Shakti Bhawan Rafimarg
New Delhi - 110 001.

2.The Government of India,
rep.by the Secretary,
Finance Department,
Dept. of Economic Affairs,
North Block,
New Delhi - 110 001.

3.The Government of Tamil Nadu
rep.by the Secretary
Public Works Department,
Secretariat,
Chennai - 600 009.

4.The Executive Engineer,
Public Works Department,
Water Resources Department,
Planning and Design Division,
Trichy - 1.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents 1 & 2 to accord sanction for the proposed interlink river scheme viz Cauvery - Vaigai - Gundar for a sum of Rs.5166 crores and to direct the respondent 3 & 4 to expedite and complete the said project in order to enable the southern districts general public to have a water facility within a stipulated period to be fixed by this Court.

For Petitioner

For Respondents 1 & 2

For RR - 3 & 4

: Mr.M.Thirunavukkarasu

: Mr.G.R.Swaminathan

: Mr.N.Manokaran

Spl.Govt.Pleader



ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

This writ petition has been filed in public interest to direct the respondents 1 and 2 to accord sanction for the proposed interlink of rivers Cauvery - Vaigai - Gundar and further direct the respondents 3 and 4 to expedite and complete the said project.

2.The first respondent has filed a counter affidavit dated 22.01.2015, through the Director, Central Water Commission, stating that the proposal is under consideration by various authorities. At the request made by Central Water Commission, Coimbatore, the Executive Engineer, Planning and Designs Division, PWD, Trichy submitted a Detailed Project Report and a revised DPR is yet to be received from the Government of Tamil Nadu.

3.In paragraph - 4 of the counter affidavit, it has been stated that a detailed valuation has to be done before the project is taken up which includes preparation of a detailed project report on the basis of some relevant parameters. In paragraph - 5, it is stated that the present issue falls primarily in the realm of policy and also has financial implications. The project needs to be evaluated and appraised as per the established procedures encompassing several administrative decisions before establishing the techno-economic viability of the project for consideration of central assistance.

4.Therefore, it is premature for the Court to interfere in this arena and issue direction one way or other. Nevertheless, it is pointed out that the State of Tamil Nadu is taking up concept of inter-linking of rivers. Copies of news reports have been furnished. We do not want to comment on the same, as we have already noticed that the inter-linking of river is a policy decision of both the Central Government and the State Government.

5.In view of the observation made earlier, we find no reason to issue any further direction in this writ petition. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

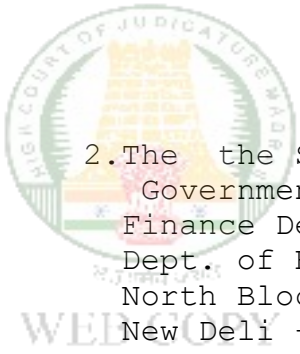
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Sub Assistant Registrar

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To

1.The Secretary,
Government of India,
Water resources
No.626 M/o.Water Resources
Shram Shakti Bhawan Rafimarg
New Delhi - 110 001.



2.The the Secretary,
Government of India,
Finance Department,
Dept. of Economic Affairs,
North Block,
New Delhi - 110 001.

3.The Secretary, Government of Tamil Nadu
Public Works Department,
Secretariat,
Chennai - 600 009.

4.The Executive Engineer,
Public Works Department,
Water Resources Department,
Planning and Design Division,
Trichy - 1.

+1CC to Spl.Government Pleader Sr.No.55813
+1CC to Mr.M.Thirunavukkarasu, Advocate Sr.No.56372
GJM/SKS/RR/9.10.15-3P-7c

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