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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.19920 of 2015

Pitchai

... Petitioner

Vs.

1.The Chief Secretary,
Fort St., George, Chennai 9.

2.The Principal Secretary to Government,
Public Works Department,
Fort St., George, Chennai 9.

3.The District Collector,
Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order in G.O.(Ms)No.152 Public Works Department (No.2) dated 13.08.2014 passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents to implement the Thiruthiyamalai - Ayyaru water link project.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Govindan,

Special Government Pleader takes notice

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner has come up with the above writ petition challenging a Government Order by which a project which was originally commenced was dropped as not technically feasible and for a consequential relief.

2.Heard Mr.R.Shankar Ganesh, learned counsel appearing for the petitioner. Mr.M.Govindan, learned Special Government Pleader takes notice for the respondents.

3.On the representations of the farmers, the Government passed an order about four years ago in G.O.Ms.No.55, Public Works Department, dated 25.02.2011 for the Thiruthiamalai - Ayyaru water linking project. The Government also granted administrative sanction allotting a sum of Rs.82,65,000/- for the said project. But unfortunately the project became a nonstarter due to the fact that there were no takers when the tender was floated.



4. Before abandoning the project, the Government also called for negotiations with the contractors. The contractors opined that the entire route through which pipeline had to be laid consisted of rocky material and that it was not possible to lay R.C.C. Hume pipes. The contractors also submitted that certain lands had to be acquired for laying of the channel to the extent of 2350 meters. But the land owners raised objections. Therefore, by the order impugned in the writ petition, the Government has dropped the project as technically and financially not feasible. Therefore, the said order cannot be interfered.

5. If the petitioner is a farmer who is representing the interest of the villagers, he should at least get the co-operation of the persons who owned lands and whose lands are required for laying pipelines. When there is resistance from villagers for the acquisition of lands, when there are no contractors who are prepared to take the project and when the technical feasibility is also suspected, the cancellation of the project cannot be said to be arbitrary. Hence, the prayer of the nature sought cannot be granted. It is open to the petitioner to pursue with the Government for any other remedy that is possible of providing necessary quantity of water to the farmers of the village.

6. In the result, the writ petition is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary, Fort St., George, Chennai 9.
2. The Principal Secretary to Government,
Public Works Department, Fort St., George, Chennai 9.
3. The District Collector, Trichy District.

+1cc to Mr.R.Shankar Ganesh, Advocate Sr.No.64421

+1cc to The Special Government Pleader Sr.No.64532

akm/17.11.2015 /2p-5c/

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