

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.10263 of 2016

C.M.Durai Ananth

.. Petitioner

-vs-

1. The Chief Secretary to Govt.,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
 2. The Collector,
Tiruvallur District, Tiruvallur.
 3. The Executive Engineer,
Public Works Department,
Krishna Water Supply Project,
Division - VIII, Chepauk,
Chennai.
 4. Periyasamy
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to consider the representation of the petitioner dated 19.02.2016 for appointing a Commission of Inquiry to inquire into (1) Whether the mining of Savudu earth in the Nemam lake situated in S.F.No.764 of Nemam Village was permitted by the concerned authorities over and above the permission granted by the Environmental authority; (2) Who are all responsible for the grant of illegal permission over and above the permission granted by the Environmental authority; (3) Whether there was any illegal money transaction in the illegal mining of Nemam lake and if so who are all the persons involved in the above transaction; (4) Whether the illegal mining in the Nemam Lake was the reason for spreading of heavy water in the Nemam lake more than the normal level and whether it is the reason the floods in the Chennai city on 1st December, 2015; (5) Whether the bunds of the Nemam lake were broken due to heavy lorry transport

in the illegally mined Nemam lake and whether huge water flow into Chembarambakkam reservoir in 30 November 2015 and only because of the inflow of the huge water from Nemam lake into Chembarambakkam reservoir, the Chembarambakkam reservoir exceeded its capacity within few hours that compelled the opening of the shutters at the midnight of 1st December; and (6) If there was no illegal mining of Savudu earth in the Nemam lake August between September, October and November there would not have any damage to Chembarambakkam reservoir and there would not have any flood into the city of Chennai.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
for RR 1 to 3.

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard the learned counsel for the petitioner.

2.On perusal of the material on record and the affidavit, we are not satisfied with the bona fides of the petitioner. If we may say so, the petitioner appears to be only a name lender for the petition. He has collected representations of third parties, responses of third parties and then, made a representation in order to create the grounds to file the writ petition. The petitioner by profession is a transporter, who has no previous experience of public interest litigation nor has he done any special work or has any special knowledge of the subject matter in question, i.e., the flooding which took place in the area in question.

2.We, thus, reject the writ petition made on behalf of the petitioner and close the same.

3.We would, however, like to look into the issue raised and in fact, there are certain other petitions pending before us regarding the subject matter of how necessary actions were taken or not by the Disaster Management Authority and others.

4.We, thus, convert the petition into a suo motu proceeding and direct issuance of notice to the respondents.

5.Counter-affidavit be filed by the respondents within four (4) weeks.

6.List on 13.04.2016, when similar matters, i.e. W.P.Nos.39234, 39851 and 39613 of 2015, are listed.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

sra

To

1. The Chief Secretary to Govt.,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
2. The Collector,
Tiruvallur District, Tiruvallur.
3. The Executive Engineer,
Public Works Department,
Krishna Water Supply Project,
Division - VIII, Chepauk,
Chennai.

Copy to:

1. The Section Officer,
Judicial Department,
High Court, Madras.
(for posting this WP on 13.4.2016
along with WP.39234, 39851 & 39613/15)
2. The Section Officer
A.E.(Writ)
High Court, Madras.
(to convert this WP as Suo moto
Writ Petition and register)
3. The Section Officer,
Writs, High Court,
Madras.
(for issuance of notice)

+ 1 cc to Govt. Pleader SR 18027

rsy(co)
prk28/3

W.P.No.10263 of 2016