



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.P. (MD).No.810 of 2014

and

M.P.Nos.2 to 5 of 2014

1.S.Nainar Kulasekaran
2.P.Sivagnanavel
3.M.Sampath
4.R.Murugan @ Bharathi Murugan : Petitioners

Vs.

- 1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department [MC-6],
Government of Tamil Nadu, St.Fort.George, Chennai.
- 2.The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
St.Fort.George, Chennai.
- 3.The Managing Director,
TWAD Board, Secretariat, St.Fort.George,
Chennai.
- 4.The District Collector,
Thoothukudi District, Thoothukudi.
- 5.The Chief Engineer,
Public Works Department and Water Resources Organization,
Madurai Region, Madurai 625 002.
- 6.The Executive Engineer,
Public Works Department and Water Resources Organization,
Thamirabarani Basin Division, Tirunelveli 2.
- 7.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a Writ of Certiorari to call for
the records relating to the impugned G.O.(4D).No.3, dated
22.10.2012 issued by the first respondent and quash the same.



For Appellant

: Mr.G.R.Swaminathan

For Mr.T.Antony Arul Raj

For Respondents 1,2 and 4 to 6: Mr.M.Govindan

Special Government Pleader

For Respondent No.3 : Ms.Porkodi Kannan

For Respondent No.7 : Mr.Saji Bino

WEB COPY

O R D E R

[Order of the Court was made by The Hon'ble The Chief Justice]

The project in question dealt with vide the impugned Government Order is already over and established. The matter in issue is one of balancing between the right to get drinking water as against the right of the farmers to get water for cultivation. In the facts of the case, a need for drinking water has been felt as more essential.

2. The learned counsel for the petitioner sought to rely on some inter-departmental communications and the opinion of the Public Works Department, but then that is the matter of opinion for the consideration of the Government and it cannot be the basis for the claim of the petitioner.

3. We are, however, of the view that if the petitioners have currently any difficulty, they can approach the concerned authorities in respect of the extent of allocation of water for two different purposes.

4. The Writ Petition accordingly stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

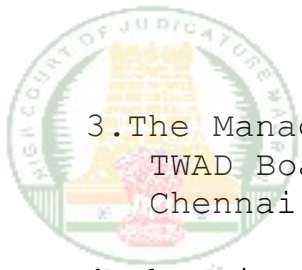
/True copy/

Sub Assistant Registrar

To

1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department [MC-6],
Government of Tamil Nadu, St.Fort.George, Chennai.

2.The Secretary to Government,
Public Works Department,
Government of Tamil Nadu,
St.Fort.George, Chennai.



3.The Managing Director,
TWAD Board, Secretariat, St.Fort.George,
Chennai.

4.The District Collector,
Thoothukudi District, Thoothukudi.

5.The Chief Engineer,
Public Works Department and Water Resources Organization,
Madurai Region, Madurai 625 002.

6.The Executive Engineer,
Public Works Department and Water Resources Organization,
Thamirabarani Basin Division, Tirunelveli 2.

7.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi.

+1cc to Mr.S.Saji Bino, Advocate SR.No.59286
+1cc to Mr.T.Antony Arul Raj, Advocate SR.No.58646
+1cc to special Government Pleader SR.No.58554

NB

sm:SKS-RR:SAR 3:17/10/2016:3P/11C

ORDER MADE IN
W.P. (MD) .No.810 of 2014
03.10.2016