



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
and
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

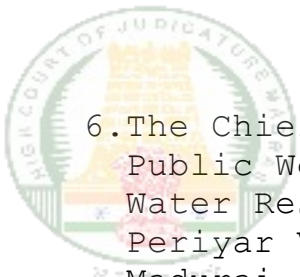
W.P (MD) No.16894 of 2016

Tamil Nadu Centre for Public Interest Litigation
rep. by K.K.Ramesh,
Managing Trustee,
No.26A, Old Mahalipatti Road,
Madurai - 625 001.

.. Petitioner

Vs.

- 1.Government of India rep. by its
Secretary,
Ministry of Water Resources,
No.412, Shram Shakti Bhawan,
Rafi Marg,
New Delhi - 110 011.
- 2.The State of Tamil Nadu rep. by its
Chief Secretary,
Secretariat,
Chennai - 600 009.
- 3.The Government of Tamil Nadu rep. by its
Secretary,
Public Works Department and Water
Resources Organization,
Fort St. George, Secretariat,
Chennai - 600 009.
- 4.The Engineer-in-Chief,
Water Resources Department,
Chepauk,
Chennai - 5 (W.E).
- 5.The Chief Engineer,
Operation and Maintenance,
Water Resources Department,
Chepauk,
Chennai - 5 (W.E).



6.The Chief Engineer,
Public Works Department,
Water Resources Organization,
Periyar Vaigai Basin Circle,
Madurai - 2.

7.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Periyar Vaigai Basin Circle,
Madurai - 625 002.

8.The District Collector,
Theni District,
Theni.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 8 to remove the accumulated mud, sludge and clay in the vaigai dam and undertake all necessary and imminent measures to raise the storage level of the Vaigai Dam on a war footing basis reckoning the scorching sun and parching land in order to improve the water supply to common man, farmers and cattles of 5 districts by considering the petitioner's representation dated 16.08.2016.

For Petitioner	: Mr.K.K.Ramesh (Party-in-person)
For Respondent No.1	: M/s.S.Srimathy
For Respondents 2 to 8	: Mr.M.Govindan, Special Government Pleader.

ORDER

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner, an organization, known as Tamil Nadu Centre for Public Interest Litigation, has come up with this Public Interest Litigation, seeking a direction to the respondents to remove the accumulated mud, sludge and clay in the Vaigai Dam and also to undertake all other necessary steps to improve the capacity of Vaigai Dam, so as to ensure adequate water supply to the farmers, cattles and common men, who are benefitted by Vaigai Dam, living in five districts.

2.When this Public Interest Litigation came up for hearing on 09.09.2016, Mr.M.Govindan, learned Special Government Pleader, took notice for the respondents 2 to 8 and took time to get instructions from the Government.



3. Today, when this Public Interest Litigation was taken up, the party-in-person appeared and the learned Special Government Pleader also made his submissions.

4. The learned Special Government Pleader, on instructions from the Government, submitted that in order to make a study relating to desilting of Vaigai Dam and other three dams, the Government issued G.O.Ms.No.200/Public Works (I.Spl.1) Department, dated 22.09.2014, for preparation of detailed project report, rapid Environment Impact Assessment Study, Preparation of Tender documents and assisting in evaluation of tender. The job was entrusted to M/s. Water and Power Consultancy Service Limited (M/s. WAPCOS), a unit of Central Government Undertaking under Ministry of Water Study. A sum of Rs.145 lakhs was allotted to the said organization to make study regarding Vaigai Dam. The learned Special Government Pleader would further submit that in a meeting of the Technical Advisory Committee, held on 20.01.2016, the report was analysed and accepted by the Government. The learned Special Government Pleader, on instructions from the Government, further submitted that in accordance with the said project report, the work will be expedited in a phased manner after sufficient fund is allotted by the Government. The said statement is recorded.

5. The party-in-person submitted that there may a direction to be issued to the respondents to expedite the project.

6. In our considered view, since it involves, as seen from the report, huge financial commitments, it is for the Government to make provisions for the money and then it is for the Government to expedite the project. Since We are told that the Government is very serious about the project in taking all steps to complete the project in a phased manner, in our considered view, no further direction need be issued in this matter, except issuing a direction to the Government to expedite the project. Accordingly, this Public Interest Litigation is disposed of. No costs.

Sd/
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Ministry of Water Resources,
Government of India,
No.412, Shram Shakti Bhawan,
Rafi Marg, New Delhi - 110 011.



2.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

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3.The Secretary,
Public Works Department and Water
Resources Organization,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.

4.The Engineer-in-Chief,
Water Resources Department,
Chepauk,
Chennai - 5 (W.E).

5.The Chief Engineer,
Operation and Maintenance,
Water Resources Department,
Chepauk,
Chennai - 5 (W.E).

6.The Chief Engineer,
Public Works Department,
Water Resources Organization,
Periyar Vaigai Basin Circle,
Madurai - 2.

7.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Periyar Vaigai Basin Circle,
Madurai - 625 002.

8.The District Collector,
Theni District,
Theni.

+1 cc to MR.K.K.RAMESH, Party in Person Sr.No.55468

+1 cc to M/S.S.SRIMATHY, Advocate Sr.No.54940

+1 cc to Special Government Pleader Sr.No.55644

ORDER MADE IN
W.P (MD) No.16894 of 2016
22.09.2016

SMA/SK-SKN/04/10/2016 :4P/12C