



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.08.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.13587 of 2017

R.Senthil Vinayagam

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai, Virudhungar District.

3.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

4.The Manager,
M/s. Madras Cement Ltd,
Thammanaickenpatti,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the fourth respondent to regenerate the water bodies based on the letter issued by the third respondent in Na.Ka.No.A5/3318/2017, dated 09.05.2017.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.M.Govindan,
Special Government Pleader for RR1 to 3
Mr.K.Prabhakar for R4

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner is a resident of R.R.Nagar, Virudhunagar Taluk, Virudhunagar District.



2.The fourth respondent is running a Captive Power Plant in Thammanaickenpatti Village. They wanted to increase the capacity of their plant. The Ministry of Environment & Forest gave clearance for such expansion by order dated 06.02.2012. Several conditions have been stipulated while granting such clearance. One such condition is that existing degenerated water bodies (if any) within 5.0 km area shall be regenerated at the project proponent's expenses in consultation with the State Government. It is the grievance of the writ petitioner that this condition is not being fulfilled by the fourth respondent. He gave a petition during grievances redressal day. Thereupon, the Tahsildar, Virudhunagar Taluk, addressed a letter dated 09.05.2017 to the fourth respondent calling upon them to regenerate 13 water bodies.

3.When the writ petition was taken up for disposal, the learned counsel appearing for the fourth respondent filed his counter affidavit and also a typed set of papers.

4.The learned counsel for the fourth respondent fairly submitted that they do not want to abdicate their responsibilities and that they would fulfill the mandate set out in their environmental clearance.

5.The learned counsel for the fourth respondent submitted that the fourth respondent is ready to comply with the direction set out in communication dated 09.05.2017 in Na.Ka.No.A5/3318/2017 issued by the Tahsildar, Virudhunagar Taluk. The only apprehension expressed by the counsel for the fourth respondent is that since water bodies are involved, they should be afforded sufficient assistance by the district administration to avoid any controversy.

6.We therefore direct the fourth respondent to carry out the work of re-generation of water bodies mentioned in the above said communication dated 09.05.2017 within six months from the date of receipt of a copy of this order. The third respondent is directed to extend his fullest co-operation and assistance for carrying of the said works.

7.This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai, Virudhunar District.

3.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

+One cc to M/s.M.Ramu , Advocate, SR.No.74468

+One cc to Mr.K.Prabhakar, Advocate, SR.No.74471

+One cc to The Special Government Pleader, SR.No.74616

skm/Arul
RL/7C/3P/MR/KKR/SAR1/4/9/2017

W.P (MD) No.13587 of 2017

23.08.2017