

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2017****CORAM:**

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

W.P. (MD) No.6259 of 2017**and****W.M.P. (MD) Nos.4946, 4944 and 4945 of 2017**

1.P.Joban

2.P.Srinivasan

3.N.Ramasamy

: Petitioners

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Thoothukudi District.

3. The Superintending Engineer,
WRO/PWD,
Thambaraparani Basin Circle,
Tirunelveli - 627 902.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Tender Notification vide Tender Notice No.01/T.B.C/TNY/2015-2016 dated 07.05.2015 and quash the same as illegal and subsequently direct the respondents to construct the Check Dam near Punnakayal Bridge to the benefit of all the Village.

For Petitioners

: Mr.T.Lajapathy Roy

For Respondents

: Mr. M.Govindan
Special Government Pleader



O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

WEB COPY This writ petition has been filed in public interest, questioning the tender notice dated 07.05.2015, issued by the third respondent herein. The said tender was for construction of Check Dam across Thamiraparani River near Punnakayal Bridge, Senthamangalm, (Mukkani) in Srivaikundam Taluk of Thoothukudi District.

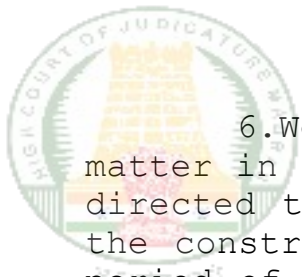
2.This proposal has given rise to serious apprehensions to the writ petitioners. According to the writ petitioners, the proposed Check Dam would bring sea water up to Senthamangalam Village and would have severe ecological impact. Therefore, the concerned villagers have been raising a demand that the Check Dam should be constructed near Punnakayal Village and not in the proposed place. This Court issued notice to the respondents so as to allay the fears expressed by the writ petitioners.

3.The respondents filed their counter affidavit, in which it was stated that the grievances expressed by the writ petitioners can be taken care of by construction of a Tail end Regulator at Punnakayal Village. Since the counter affidavit filed by the third respondent was not sufficiently specific, we called upon the learned Special Government Pleader to obtain further instruction in the matter.

4.When the matter was taken up today, the learned Special Government Pleader, placed reliance on the letter dated 17.07.2017, addressed to him by the third respondent herein. The said communication reads as under:

"Feasibility report of the work "Construction of Tail end Regulators across Tahmiraparani River in confluence point of Coastal Villages in Srivaikundam and Thiruchendur Taluks of Thoothukudi District. Estimate Amount: 46.50 Crores" was approved by the Chief Engineer, PWD, Plan Formulation, WRD, Chapauk, Chennai-5, vide Letter No.B1/1129/2012/AE3/AEE3 dated 05.05.2017 is enclosed with the Counter Affidavit. And I requested to state that, now the detailed Estimate above work is in progress and will get approve form the Competent Authority as early as possible".

5.The learned Special Government Pleader further stated that the detailed estimate is in progress and approval from the Competent Authority would be obtained as early as possible.



6. We direct the third respondent herein, to pursue the matter in right earnest. In any event, the Competent Authority is directed to approve the work within a period of three months and the construction of Tailend Regulator shall be completed within a period of two years from the date of receipt of the copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Thoothukudi District.
3. The Superintending Engineer,
WRO/PWD,
Thambaraparani Basin Circle,
Tirunelveli. PIN. 627 902.

+1cc to Mr. T. Lajapathy Roy, Advocate Sr.No. 66505

+1cc to Mr. V. Rajiv Rufus, Advocate Sr.No. 66377

+1cc to Spl. Government Pleader Sr.No. 66951

MR/GSP/SMI

VB/KK/SAR2/02/08/2017/3P/7C

**ORDER MADE IN
W.P. (MD) No. 6259 of 2017
19.07.2017**