



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.6900 of 2017

and

W.M.P(MD)No.5444 of 2017

S.P.Muthu Raman

... Petitioner

Vs.

1.The Secretary to Govt.,
Public Works Department,
Secretariat,
St. George Fort,
Chennai-600 009.

2.The Executive Engineer,
Water Resources Organization /PWD,
Tamirabarani Basin Division,
Palayamkottai, Tirunelveli.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from supplying Tamirabarani River Water to the Industries situated at Tirunelveli District till the water scarcity is over based on the petitioner's representation, dated 06.03.2017.

For Petitioner	:	Mr.B.K.Rajendran
For Respondents	:	Mr.S.Chandrasekar
		Govt. Advocate

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM,J.]

By consent, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the petitioner.
Mr.S.Chandrasekar, learned Government Advocate takes notice for

the respondents.

3.The petitioner states that he is a Social and an Environmental Activist and he has filed this writ petition for Public cause. His case is that, the water which flows in River of Tamirabarani is slowly depleting and one of the cause for depleted water flow in the river is an account of excess of water being drawn for supply to industries situated in Tirunelveli District. The petitioner would further state that the river Tamirabarani passes through both Tirunelveli District and Tuticorin District and so far as the Tuticorin is concerned, it is stated that an order has been passed prohibiting the drawal of river water for industries, whose names have been mentioned in paragraph-3 of the affidavit filed in support of the writ petition.

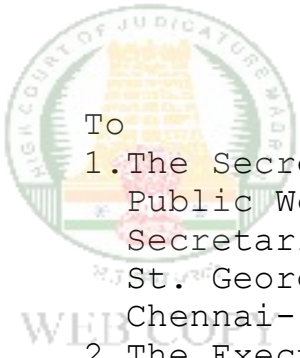
4.The petitioner obtained information under the Right To Information Act, from the Superintending Engineer, Tamirabarani Vadikal Kottam, dated 23.03.2017, wherein it has been stated that the quantity of water now available will be sufficient to take care of drinking water supply till end of April, 2017. Thus, it is submitted that on account of monsoon failure, there will be no rains. Consequently, all the public and private Wells are dry and in such circumstances, if excess drawal of water is permitted to be supplied to industries it will have a devastating effect on the farmers in Tirunelveli District. Though the petitioner has come forward with such prayer, he has failed to implead the industries, to whom, according to him excess water has been supplied by the respondents. Thus without specific allegations, this Court cannot issue any positive direction. Nevertheless, the petitioner has come forward with a public cause and this Court, could take judicial notice on account of failure of monsoon, there is severe water shortage in various parts of the State of Tamil Nadu. Therefore, we direct the District Collector, Tirunelveli District to consider the petitioner's representation dated 06.03.2017 and call for a meeting with the second respondent and ensure that the interest of farmers and the public of Tirunelveli District is protected in an appropriate manner, so that there is an equitable and ratable distribution of available water. The said representation be considered within a period of three weeks from the date of receipt of a copy of this order.

5.With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AD-II)

/True copy/



To

1. The Secretary to Govt.,
Public Works Department,
Secretariat,
St. George Fort,
Chennai-600 009.
2. The Executive Engineer,
Water Resources Organization /PWD,
Tamirabarani Basin Division,
Palayamkottai, Tirunelveli.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AM/TSG

PSM/JC/SAR4/10.05.2017/3P/5C

**ORDER MADE IN
W.P (MD) No. 6900 of 2017
24.04.2017**