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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 8704 of 2017

and

W.M.P (MD) No.6607 of 2017

D.Murugesan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Public Works Department, Fort St. George,
Chennai-600 009.
 - 2.The Chief Engineer,
PWD, Water Resources Organisation,
Madurai Region, Tallakulam,
Madurai-625 002.
 - 3.The Superintending Engineer,
PWD, Water Resources Organisation,
Thambaraparani Basin Circle,
Anna Nagar, Tirunelveli.
 - 4.The Executive Engineer,
Thambaraparani Basin Division,
Anna Nagar, Tirunelveli.
 - 5.The Executive Officer,
Kallidaikurichi Selection Grade Town Panchayat,
Ambasamudram Taluk,
Tirunelveli District.
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 not to connect the rain water drain channel (which is now converted into drainage channel) flow in Kallidaikurichi Selection Grade Town Panchayat with Thamirabarani River by diverting its existing connection with the Kannadian Channel and further directing the 5th respondent to install a Sewage Treatment Plant (STP) for liquid waste management.

For Petitioner

: Mr.R.Balakrishnan

For Respondents No.1 to 4

: Mr.T.S.Md.Mohideen
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents No.5

: Mr.AC.Kannan



O R D E R

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

The writ petitioner seeks direction for directing the respondents 1 to 5 not to connect the rain water drainage channel flowing in Kallidaikurichi Selection Grade Town Pachayat with Thamirabarani River by diverting its existing connection with the Kannadian Channel. A direction is also sought for installation of Sewage Treatment Plant (STP).

2. The fourth respondent has filed a counter affidavit, Paragraph No.10 of the said counter is as follows :-

"10. It is humbly submitted that Kannadian Channel is one of the component under Thamirabarani river irrigation system. Moreover, a new flood carrier channel is proposed from Kannadian channel off-taking at Vellanguli Village so as to fulfill the need of ground water recharge to the drought prone area. Thamirabarani river water is allowed into the Kannadian channel depending upon the water inflow for irrigation purpose, also rain water mixed with sewage water is allowed to be discharged which can be used to tackle the need of irrigation during scarcity period. This existing arrangement is not changed due to this project, only to overcome the enormous excess flow page No.3 during raining season which can be diverted through this barrel arrangement proposed and let into the Thamirabarani and hence pollution of water and environment does not arise. At the same time the eco system of this area will be improved by avoiding stagnation of water during raining season."

3. The stand of the respondents 4 and 5 is that the steps are being taken by them to ensure that the sewage does not get mixed with the water flowing through Kannadian Channel.

4. In view of the above, this writ petition is disposed of by recording the stand taken by the fourth respondents in paragraph No.10 of the counter affidavit. However, it is made clear that the third to fifth respondents shall take appropriate measures to ensure that no effluent is let out into the Thamiraparani River. Further, the drainage or sewage water from Kallidaikurichi Selection Grade Town Pachayat cannot be allowed to flow into the Thamirabarani River. This Court takes Judicial notice of the fact that Tamirabarani River caters to the drinking water needs of thousands of villagers. Therefore such a river source must be absolutely protected from any kind of pollution. It is the bounden duty of the respondents to ensure that. If any such pollution occurs, it is certainly open to the writ petitioner



herein to move the authorities concerned or this Court for appropriate relief. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub-Assistant Registrar

To:

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

2.The Chief Engineer,
PWD, Water Resources Organisation,
Madurai Region, Tallakulam,
Madurai-625 002.

3.The Superintending Engineer,
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4.The Executive Engineer,
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Anna Nagar, Tirunelveli.

5.The Executive Officer,
Kallidaikurichi Selection Grade Town Panchayat,
Ambasamudram Taluk,
Tirunelveli District.

+One cc to Mr.R.Balakrishnan, Advocate, SR.No.71607

+One cc to The Special Government Pleader, SR.No.71638

rmk/das

RL/8C/3P/KK/SAR1/24/8/2017

ORDER MADE IN
W.P. (MD) No. 8704 of 2017
and
W.M.P (MD) .No.6607 of 2017