

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WP.No.16375 of 2018
and WMP No.19537 of 2018

Mr.G.Sakthivel ... Petitioner

vs.

1. The District Collector,
Cuddalore District,
Cuddalore.

2. Chief Engineer,
Agricultural Engineering Department,
Nandanam, Chennai - 600 035.

3. The Superintending Engineer,
Agricultural Engineering Department,
Villupuram.

4. The Executive Engineer,
Agricultural Engineering Department,
Cuddalore District.

5. Assistant Executive Engineer,
Agricultural Engineering Department,
Virudhachalam,
Cuddalore District.

6. Renganayagi ... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondent Nos. 1 to 5 not to grant permission to any such farm ponds in the agricultural land near to water body of any kind blocking the flow of rain water and specifically to revoke the permission given in favour of respondent No.6 for construction of Farm Pond (Pannai Kuttai) in their land located at Survey No.75/1 in any manner blocking the percolation and flow of rain water to the adjacent Elamangalam lake located in Survey No.15 by considering the representation of the petitioner

dated 29.05.2018.

For Petitioner : Mr.A.K.Rajaraman

For Respondents : Mr.S.Kamalesh Kannan (for R1 to R5)
Government Advocate.

ORDER

(Order of the Court was made by SUBRAMONIUM PRASAD, J)

The instant writ petition is for a writ of mandamus, directing Assistant Executive Engineer, Agricultural Engineering Department, Cuddalore District, to issue a stop order, of the construction of 'Farm Pond (Pannai Kuttai)' in the lands of the 6th respondent, Renganayagi, W/o.Dr.Rajkumar, Thangamani Nagar 1st Street, (Near Melakottai Street), Virudhachalam, and revoke the permission granted to 6th respondent for construction of 'Farm Pond (Pannai Kuttai)' in the land at Survey No.75/1.

2. The contention of the petitioner is that 'Farm Pond (Pannai Kuttai)', so located would reduce the water flow to other people's tanks and ponds situated in the lower-lying areas.

3. It is his contention that permission for construction of 'Farm Pond (Pannai Kuttai)' by the 6th respondent, has been given without any local analysis or hydrogeology study being conducted. It is further submitted that by giving permission to 6th respondent, to construct 'Farm Pond (Pannai Kuttai)', the flow of rain water will be obstructed from reaching the canal which feeds the Elamangalam Lake, the canal being adjacent to the Farm Pond.

4. It is therefore stated that by way of heightened mud bund for Farm Pond with 28 meters length and 24 meters of breadth will also cause serious issues of over flow of water to adjacent lands.

5. Notice was issued on the petition.

6. In the counter affidavit it is stated that the 6th respondent herein, made representation to the Assistant Executive Engineer, Agricultural Engineering Department, Cuddalore, 5th respondent herein on 17.05.2018, requesting construction of Farm Pond in her land, in order to manage the situations like flood, drought, etc. The representation was

signed by the villagers in the locality, including the Panchayat Union Leader. Though there were protests, against the construction of Farm Pond, on the ground that it will lead to water scarcity during summer seasons and floods during the rainy seasons, permission was granted after due application of mind by the authorities.

7. The counter states that a peace meeting was conducted on the instructions of the District Revenue Officer, Cuddalore. Meeting was attended by the department officials, general public of that particular area, police officials and the petitioner herein. Benefits of construction of Farm Pond in that area was explained. Public attended the meeting and were satisfied.

8. The counter also states that the petitioner himself has accepted the benefits of the construction of Farm Pond, for avoiding the water scarcity in agriculture sector. The State has also filed a list of Farm Ponds being constructed in the entire State. 80 persons have been permitted to construct Farm Pond in their area.

9. The State Government is encouraging construction of Farm Ponds for conservation of water. In fact, G.O.Ms.No.3, has been passed by the Agriculture (WD) Department on 05.01.2018, giving emphasis for construction of Farm Ponds, with government help. In fact, the State Government is prepared to grant 90% subsidy in agricultural loan. It is also accepted that if that Farm Pond is constructed inside the farmers' land, the conveyance loss is minimized to localized irrigation, which improves the water use efficiency, and also it offers additional income for farmers, which can be earned by fish culture.

10. The present writ petition is nothing but an abuse of process of law and has been purely filed with private interest. There is no public interest involved in this writ petition. The petitioner has only raised a bogey that if Farm Ponds are constructed near water bodies, then any obstruction in the passage of water, would result in flood. The entire writ petition is only directed against the revocation of permission granted to 6th respondent herein by 5th respondent. It is purely a private interest litigation and such petitions must be deprecated.

11. In fact, as stated supra, Government of Tamil Nadu is interested in encouraging farmers for constructing Farm Ponds in their area, to conserve water, for which they are prepared to provide as high as 90% subsidy to local farmers and 95% to farmers belonging to SC/ST.

12. In view of the above, the action of the petitioner in filing the instant public interest litigation is highly deprecated. Valuable Court's time has been wasted. Writ

Petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

ars/dm

To

1. The District Collector,
Cuddalore District, Cuddalore.

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+1cc to Government Pleader SR.No.61877

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GMV (04/10/2018)

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