

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.16814 of 2013

And

M.P.No.1 of 2013

P.Periyasamy

..

Petitioner

Vs.

1. The Revenue Divisional Officer,
Pollachi Road,
Dharapuram-638 656,
Tiruppur District.
2. The Divisional Engineer,
Public Works Amaravathi Irrigation
Sub Division,
Dharapuram,
Tiruppur District.
3. The Junior Engineer (O&M),
Tamil Nadu Electricity Board,
Akkarapalayam, Mulanur Via,
Dharapuram Taluk,
Tiruppur District.
4. The Tahsildar,
Dharapuram Taluk,
Dharapuram,
Tiruppur District.

5. Kathirvel

6. Velusamy

7. Nallasamy

8. Periyasamy

9. Palanisamy,
S/o.Chellappa Gounder.

10.Palanisamy,
S/o.Chennimalai Gounder.

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11.Nachimuthu
S/o.Kaliyappa Gounder.

12.Rajendran

13.Nachimuthu,
S/o.Chennimalai Gounder.

14.Lakshmi

15.Minor Deepa,
C/o.Lakshmi

16.Periyasamy,
S/o.Muthusamy Gounder.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action against the respondents 5 to 16 for illegal construction of check dam on the Amaravathi River and diverting the river water to their Open - Well for purpose of selling the same for commercial purpose.

For Petitioner : Mr.C.Prakasam

For Respondents-1,2&4 : Mr.R.S.Selvam,
Government Advocate.

For Respondent-3 : Mr.S.K.Rameshwar

For Respondents-5to10,
12to15 : No Appearance

For Respondents-11&16 : Dismissed vide Court Order
dated 2.9.2016.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents 1 to 4 to take appropriate action against the respondents 5 to 16 for illegal construction of check dam on the Amaravathi River and diverting the river water to their Open Well for the purpose of selling the same for commercial purpose.

2. A memo was filed by the learned counsel Mr.K.T.S.Sivakumar stating that he has filed a change of vakalat in respect of respondents 5 to 10 and 12 to 14 and the said memo is recorded.

3. The learned counsel, appearing on behalf of the writ petitioner, states that the respondents 5 to 16 are committing serious illegalities of tapping the river water for commercial purposes by constructing a check dam across the river. When the serious allegations, diverting the river water for commercial purposes, have been brought to the notice of this Court, this Court directed the fourth respondent-Tahsildar, Dharapuram Taluk, to be present before this Court along with the files. As per the directions of this Court, Mr.N.Sivakumar, Tahsildar, Dharapuram Taluk, was present on 20.8.2018 along with the files.

4. The Tahsildar, Dharapuram Taluk, informed this Court that as of now, there is no such check dam is in existence and in this regard, the learned counsel for the writ petitioner states that it was washed away on account of recent flood in the river. However, there is no check dam is in existence as of now and it is duty mandatory on the part of the officials 1 to 4 to ensure that the river water has not been misused or illegally tapped by any other private persons for their personal use or for commercial purposes. The first respondent should initiate appropriate action in the event of any such illegality by any other person in respect of the river water and its usage in the manner known to law.

5. In this view of the matter, the respondents are directed to be vigil over the river water, its flow and its maintenance in accordance with law. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

Svn

To

1. The Revenue Divisional Officer,
Pollachi Road,
Dharapuram-638 656,
Tiruppur District.
2. The Divisional Engineer,
Public Works Amaravathi Irrigation
Sub Division,
Dharapuram,Tiruppur District.

3. The Junior Engineer (O&M),
Tamil Nadu Electricity Board,
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Tiruppur District.

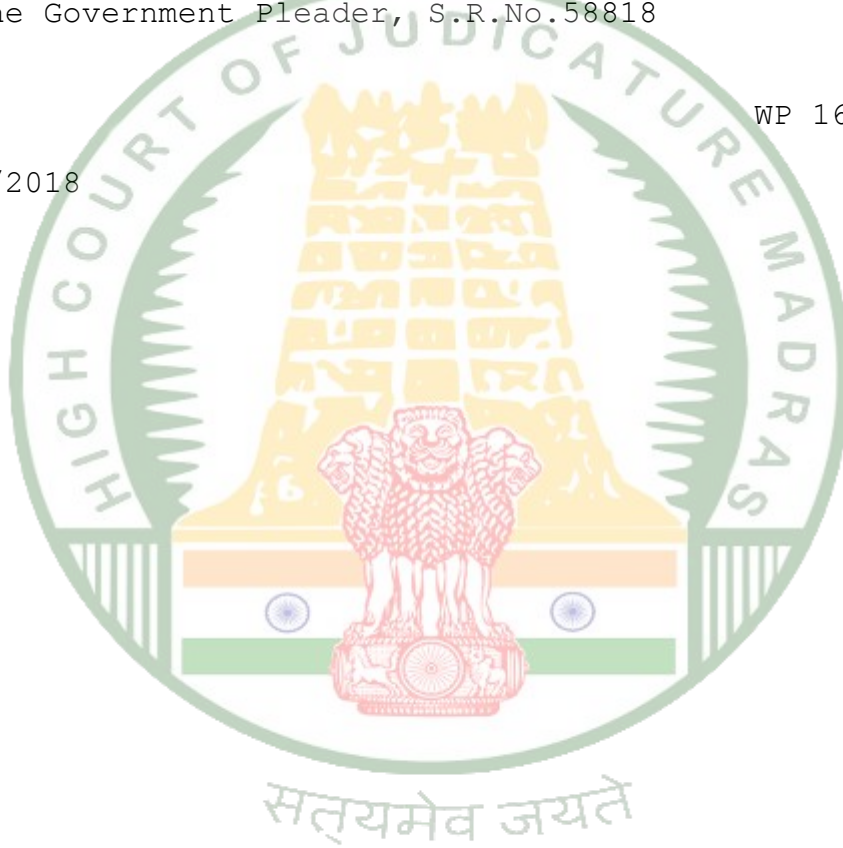
4. The Tahsildar,
Dharapuram Taluk,
Dharapuram,
Tiruppur District.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.58898.

+lcc to the Government Pleader, S.R.No.58818

WP 16814 of 2013

rrs 07/09/2018



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