

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

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

WP.No.28539 of 2018

Thangavel A.V.

...Petitioner

vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Secretary,
Public Works Department,
Fort St. George,
Chennai - 600 009.

3. The Chief Engineer,
Public Works Department,
Plan Formulation,
Water Resources Department,
Chepauk, Chennai - 600 005.

4. The Chief Engineer,
Public Works Department,
Water Resources Department,
Trichy Zone,
Subramaniyapuram, Trichy-20.

5. The District Collector,
Trichy District.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents to dispose the petitioner's representation dated 16.12.2017 and to pass orders directing the 1st respondent to construct shutter dams, instead of check dams across Major Rivers, so that the surface water and flood water would be utilized to the notified areas.

For Petitioner : Mr.M.L.Ravi

For Respondents: Mr.T.N.Rajagopalan
Government Pleader

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Petitioner has sought for a mandamus directing the respondents to dispose of his representation dated 16.12.2017 and pass orders, directing the Chief Secretary, Government of Tamil Nadu, Chennai, 1st respondent herein to construct shutter dams, instead of check dams across Major Rivers, so that surface water and flood water would be utilized to the notified areas.

2. On the averments made, Mr.M.L.Ravi, learned counsel for the petitioner made submissions.

3. Mr.T.N.Rajagopalan, learned Government Pleader invited the attention of this Court to a petition dated 19.12.2017 the prayer sought for in the said petition and the reply given by the Chief Engineer (Plan Formulation), Public Works Department, Water Resources Department, Government of Tamil Nadu, Chennai and submitted that the prayer sought for in the instant writ petition has become infructuous.

4. Letter dated 14.05.2018 of the Chief Engineer (Plan Formulation), Public Works Department, Water Resources Department, Government of Tamil Nadu, Chennai, addressed to the writ petitioner is as follows:

PUBLIC WORKS DEPARTMENT
WATER RESOURCES DEPARTMENT

FROM TO
Engg. P.Vairavanathan, B.E. Thangavel A.V.
Chief Engineer, PWD, 3/2 Puthanampatti,
Plan Formulation, WRD, Thuraiyur Taluk,
Cheppakkam, Trichy - 621 001
Chennai - 6

Letter No.F2/cm cell petition - 166932/AE6/AEE5/2017
dated 14-05-2018

Sir,

Sub: CM Cell, Petition No.166932 date 19.12.17
regarding reply report.

Ref: CM Cell, Petition No.166932 date 19.12.17

Reply report has been prepared in English and
Tamil language and sent by us against the above
reference Petition No.166932 dated 19.12.2017.

Attachment: Reply Report (Tamil and English)

For Chief Engineer (Plan Formulation)

Copy to

(1) Special Officer, CM Cell, Secretariat, Chennai-
9.

(2) Principal Chief Engineer, WRD & Chief Engineer,
PWD, Chennai - 5.

- (3) Superintendent of Engineer, PWD Plan Formulation, WRD.
- (4) Executive Engineer, PWD, WRD Plan and Design, Zone, Trichy.
- (5) Chief Draftsman for Record (with attachments) Reply to Hon'ble C.M. Special Cell Petition.
1. C.M.Cell Petition No. & 166932 date
Date 19.12.2017
2. Name of the Petitioner Thiru.
& Address A.V.Thangavel
3/2 Puthanampatti,
Thuraiyur Taluk,
Trichy - 621 001
3. Gist of the request Formation of
reservoir and water
storage & regulator
structure.
4. Brief report on the In Tamilnadu,
action taken actions are being
taken to construct
irrigation
Structures at
feasible places for
strong and
distribution of
water.
Further, as the bed
fall of river Ayyar
is so steep,
construction of dam
at Puliancholai is
technically not
feasible
Water received from
Neyveli Lignite
Corporation is
being used for
irrigation through
Walajah tank and
Perumal Eri.
5. Gist of reply to be As above
sent to the petitioner
6. Request rejected or Accepted
accepted
7. Reason for Rejection if Does not arise
any

Sd/-xxxx
For Chief Engineer (Plan Formulation)

5. Thus, from the above, it could be seen that the representation of the writ petitioner has already been considered and that a reply has been given, which according to the learned counsel for the petitioner, is evasive.

6. Whatever be the reason, representation of the petitioner has already been considered, reply given and thus disposed of. Hence, mandamus cannot be issued.

7. For the reasons stated supra, writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ars/dm

To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Secretary,
Public Works Department,
Fort St. George,
Chennai - 600 009.

3. The Chief Engineer,
Public Works Department,
Plan Formulation,
Water Resources Department,
Chepauk, Chennai - 600 005.

4. The Chief Engineer,
Public Works Department,
Water Resources Department,
Trichy Zone,
Subramaniyapuram, Trichy-20.

5. The District Collector,
Trichy District.

+ 1 cc to Mr. M.L. Ravi, Advocate Sr.75206

+ 1 cc to Mr. Government Pleader Sr.74845

WP.No.28539 of 2018

EV (CO)

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

EU (20/11/2018)