



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2452 of 2018

Paramasivam

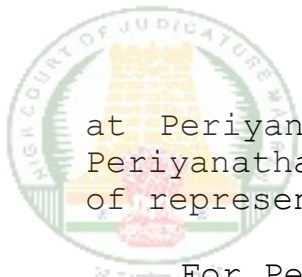
... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.
- 3.The Assistant Engineer,
Public Works Department,
Irrigation and Water Resources,
Ottapidaram,
Thoothukudi District.
- 4.The Village Administrative Officer,
Kulasekarapattinam Panchayat,
Kulasekarapattinam,
Ottapidaram Taluk,
Thoothukudi District.
- 5.The Manager,
M/s.Suzlon Energy Limited,
104, 1st Floor,
Delta Wing,
Raheka Tower,
177, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made upon at three locations of Periyannatham canal between Ottapidaram Tank and A.M.Patti Tank by the fifth respondent and further take efforts to reconstruct the damaged bunds and restore the canal to its original position and ensure the inflow water be steadily streaming into Periyannatham Tank



at Periyannatham, Ottapidaram Taluk, Thoothukudi District, through Periyannatham canal without any interruption or hassle, on the basis of representation, dated 01.02.2018.

For Petitioner : Mr.T.Indrachithu
For RR 1 to 4 : Mr.C.M.Marichelliah Prabu
Additional Government Pleader
For R - 5 : Mr.B.Saravanan

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 4 and Mr.B.Saravanan, learned counsel, accepts notice on behalf of the fifth respondent.

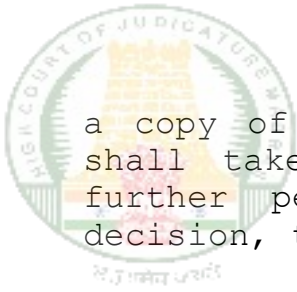
3.The petitioner claims to be a farmer by profession and also the President of Periyannatham Kanmai Farmers Group and according to him, a water body/Tank, namely "Periyannatham Kanmai" is in existence in Periyannatham Village, the water stored in that water body, is used to irrigate 200 acres of agricultural lands.

4.The grievance expressed by the petitioner is that the fifth respondent under the guise of erecting a wind mill, damaged bunds of the said water bodies on three locations and as such, in the event of rain, there was overflowing and thereby water entered the human habitation as well as damaged the crops in the agricultural lands. Though the petitioner, in this regard, submitted a representation, dated 01.02.2018, no proper response is forthcoming and hence, he came forward to file this Writ Petition.

5.The learned counsel appearing for the fifth respondent submitted that there is no public interest involved in the Writ Petition, whenever they used to generate units, local people under the garb of filing Public Interest Litigations used to black-mail them and extract money.

6.This Court has considered the rival submissions made on either side and perused the materials placed on record.

7.This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, directs the respondents 2 and 3 to put the petitioner as well as the fifth respondent on notice and thereafter, cause inspection of 'Periyannatham Kanmoi', Ottapidaram Taluk, Thoothukudi District, within a period of four weeks from the date of receipt of



a copy of this order and depending upon the result of the same, shall take appropriate action in accordance with law, within a further period of eight weeks thereafter and communicate the decision, taken to the petitioner as well as the fifth respondent.

8. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Thoothukudi District, Thoothukudi.

2. The Tahsildar, Ottapidaram Taluk, Ottapidaram, Thoothukudi District.

3. The Assistant Engineer, Public Works Department,
Irrigation and Water Resources, Ottapidaram, Thoothukudi District.

4. The Village Administrative Officer, Kulasekarapattinam Panchayat,
Kulasekarapattinam, Ottapidaram Taluk, Thoothukudi District.

5. The Manager, M/s. Suzlon Energy Limited, 104, 1st Floor, Delta Wing,
Raheka Tower, 177, Anna Salai, Chennai-600 002.

+1CC to Mr. T. Indrachithu, Advocate, SR.No. 46650

+1CC to Mr. B. Saravanan, Advocate, SR.No. 47086

+1CC to the Special Government Pleader SR.No. 47451

W.P (MD) No. 2452 of 2018
07.02.2018

ps/vsg

AM/SV MMS/SAR 3/16.02.2018/3P/9C