



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.20252 of 2018
and
W.M.P. (MD) .No.18017 of 2018

K.Pandi : Petitioner

Vs.

1. The Chief Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
2. The Superintending Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
3. The Executive Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
4. The Assistant Executive Engineer,
Periyar Vaigai Basin Division,
Public Works Department,
Tallakulam, Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to construct the check dams across the vaigai river away from the Well situated in the Vaigai River bed which belongs to Sithargalnatham Village water feeding source.

For petitioner : Mr.R.Ramasamy
For respondents : Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

while constructing check dams across Vaigai River.

2. The learned Special Government Pleader appearing for the respondents would submit that the Well in question is about 2050 Metre west of the proposed construction of the check dam. There are other Wells, which are used for drinking water purpose, which will not be disturbed. However, three Wells, which are encroached, will be removed, after following the due process of law. He would further submit that the Well in question is not being used by the general public even for drinking purpose.

3. In such view of the matter, we do not find any merit in this Writ Petition, as the Well, over which the apprehension is raised through the affidavit of the petitioner, is not likely to be affected by the proposed construction of check dam, more so, when it is not being used for any purpose. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Chief Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
2. The Superintending Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
3. The Executive Engineer,
Periyar Vaigai Basin Division,
Public Works Department, Tallakulam, Madurai.
4. The Assistant Executive Engineer,
Periyar Vaigai Basin Division,
Public Works Department,
Tallakulam, Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89430

NB

TE/RP/SAR-4 : 26/10/2018 : 2P/6C