

In the High Court of Judicature at Madras

Dated : 27.2.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.555 of 2019 & CMP.No.4778 of 2019

K.Paramasivam, Ex-Chairman,
Parambikulam Aliyar Project,
Thirumoorthi Reservoir Project
Committee, R.Ponnapuram & Post,
Mahalingapuram Via, Pollachi Taluk,
Coimbatore District.Appellant

Vs

- 1.Dharapuram Taluk Upper Irrigation
Agriculturists Welfare Association,
rep.by its Member P.Thirugnana-
sampathamurthy
- 2.The Principal Secretary to Government,
Public Works Department, Fort.St.
George, Chennai-9.
- 3.The District Collector, Tirupur District.
- 4.The Principal Chief Engineer-cum-
Chief Engineer, Water Resource
Department, Public Works Department,
Chepauk, Chennai-5.
- 5.The Chief Engineer, Water Resource
Department, Public Resource
Department, Coimbatore Division,
Coimbatore.
- 6.The Superintending Engineer,
Parambikulam Aliyar Project,
Pollachi Division, Coimbatore District.
- 7.The Executive Engineer,
Thirumurthy Division, PAP
Project, Udumalpet, Tirupur Dist.Respondents

APPEAL under Clause 15 of the Letters Patent against the order dated 04.1.2019 passed W.P.No.46 of 2019 and WMP.No.51 of 2019.

W.P.No.46 of 2019 in W.M.P. 51/2019:

Writ Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Mandamus

i) Directing the 2 to 6 respondents to release the 300 million cutric feet water from Thirumurthy Dam to Uppar Dam as per G.O.Ms. 506 PWD Department dated 01.06.1994 issued by the 1st respondent forthwith and also ensure the Dharapuram Taluk Tiruppur District. and

ii) To grant an interim Direction, Directing the 2 to 6 Respondents to release the 300 Million cutric feet water from Thirumurthy Dam to Uppar Dam as per G.O.Ms. 506 PWD Department dated 01.06.1994 issued by the 1st respondent forthwith and also ensure the Dharapuram Taluk Tiruppur District (in W.M.P. 51/2019) pending disposal of the above W.P.No.46/2019 respectively.

For Appellant : Mr.C.Prakasam

For Respondents 2 to 7 : Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.C.Prakasam, learned counsel for the appellant and Mr.R.P.Prathap Singh, learned Government Advocate accepting notice for respondents 2 to 7. In the light of the orders, which we propose to pass in this appeal, notice to the first respondent herein - writ petitioner is dispensed with.

2. This writ appeal is directed against the interim order dated 04.1.2019 in WP.No.46 of 2019.

3. The appellant before us sought leave to file this appeal as he was not impleaded as a party respondent in the said writ petition.

4. It is not in dispute that the interim order dated 04.1.2019 passed in the said writ petition worked itself out since water has been released. Further, the appellant before us also got himself impleaded in the said writ petition as a party respondent. Considering these facts, it will be appropriate for the appellant to raise all the contentions in the said writ

petition, in which, the official respondents have to file a counter affidavit.

5. The apprehension of the appellant is that the interim order passed in the said writ petition would be cited as a precedent for all future instances for release of water.

6. The appellant need not have any such apprehension because the order dated 04.1.2019 is only an interim order granted subject to the outcome of the main writ petition and it can never be cited as a precedent. We leave it open to the appellant to raise all the contentions in the said writ petition, in which, he has been impleaded as a party respondent.

7. With the above observations, the writ appeal is disposed of. No costs. Consequently, the connected CMP is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary to Government, Public Works Department, Fort.St.
George, Chennai-9.

2.The District Collector, Tirupur District.

3.The Principal Chief Engineer-cum-Chief Engineer, Water Resource Department, Public Works Department,
Chepauk, Chennai-5.

4.The Chief Engineer, Water Resource Department, Public Resource Department, Coimbatore Division, Coimbatore.

5.The Superintending Engineer, Parambikulam Aliyar Project, Pollachi
Division, Coimbatore District.

6.The Executive Engineer, Thirumurthy Division, PAP Project, Udumalpet,
Tirupur Dist.

+1 CC to Mr.C.Prakasam, Advocate sr 24343.
+1 CC to Govt. Pleader sr 18933.

WA.No.555 of 2019 &
CMP.No.4778 of 2019

AD(CO)
SP(18/03/2019)



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