

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE Mr.JUSTICE SUBRAMONIUM PRASAD

W.P.No.12935 of 2017

C.Mohan Kumar ... Petitioner

Vs.

1.The Government of Tamil Nadu
Public Works Department
Rep by its Secretary
Secretariat, Fort St George
Chennai - 9

2.The District Collector
Collectorate,
Nagapattinam & District Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to construct check dam on Kollidam River t between Kumaramangalam, Nagapattinam District and Aathanur, Cuddalore District to dam up 6 TMC water and further to increase the ground water level based on the announcement of former Chief Minister of Tamil Nadu under Rule 110 of the Tamil Nadu Assembly Rules.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.E.Manoharan
Addl. Govt. Pleader

O R D E R

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

Instant writ petition has been filed for a writ of mandamus to direct the respondents to construct check dam on Kollidam River between Kumaramangalam, Nagapattinam District and Aathanur, Cuddalore District to dam up 6 TMC water and further to increase the ground water level based on the announcement of former Chief Minister of Tamil Nadu under Rule 110 of the Tamil Nadu Assembly Rules.

2. Short facts leading to the filing of the writ petition are that the Petitioner, was the Panchayat President of Kadalangudi Village during 2011-2016 and

also the Union Organiser of Viduthalai Siruthaigal Party. He has filed this writ petition on behalf of general public and for the benefit of the public at large.

3. It is the contention of the petitioner that State of Tamil Nadu was hit by drought and drinking water became a primary issue. Nagapattinam District and in particular Mayiladuthurai and Seerkazhi area, purely depend upon Coleroon River bore-well water. It is the further contention of the petitioner that Kollidam river (it was called Coleroon in colonial period) starts from Mukkompu. The river is utilised during flood and rainy season. Kollidam river has rich water resource. Therefore many bore-wells were erected and water was distributed through the pipelines to the adjacent and far away areas like Kumaramangalam, Seepuliyur, Purasangadu, Vallam, Papakudi, Siddhamalli, Achalpuram, Cuddalore District, Kattumannarkudi Taluk, Muttam, Eyallure Thanjavur District, Thittachery, Vetamangalam. Kollidam river is running up to Vedharanyam and Muthupettai.

4. It is the further contention of the petitioner that nearly 15 bore-wells were erected between Vadarengam Bore-well to Thittachery bore-well. Therefore, the ground water level has gone very low. The situation has gone to the knowledge of the former Chief Minister of Tamil Nadu. The then Hon'ble Chief Minister analysed the situation and obtained report from the concerned officers. The then Hon'ble Chief Minister, decided to construct a check dam near Kumaramangalam, which has to dam up about 6 TMC water on the Kollidam river. Therefore, the then Hon'ble Chief Minister, announced Rs.400 Crores for the project on 4.7.2014 and the announcement was reported in all print media. The same was announced based on Rule 110 of Tamil Nadu Assembly Rules. But so far no work is started to construct the check dam, whereas water has been succumbing from the river everyday.

5. It is the further contention of the petitioner that the village panchayats like Kadalangudi, Thiruchitrambalam have passed resolutions that to immediately construct the check dam at Kumaramangalam - Aathanur. Petitioner has sent a detailed representation dated 10.1.2017 to the respondents and other higher authorities. As no steps have been taken on the representation but the ground water has been succumbed every day under the guise of drinking water, the petitioner has filed the instant public interest litigation for the aforesaid relief.

6. On behalf of the Secretary to the Government, Public Works Department, Secretariat, Chennai, namely the first respondent, Executive Engineer, WRD, Special Project Division, Kumbakonam, has filed a counter

affidavit and the same reads thus:

"1. It is submitted that the proposal of constructing a barrage across Kollidam River below Lower Anicut was requested by M.L.A of Poompukar Constituency to the Hon'ble Minister for Public Works Department. Regarding this request, an assurance was given by the Hon'ble Minister for Public Works at the Assemble and subsequently Government Proceedings was received from Additional Secretary to the Government, Public Works Department, Chennai, vide D.O.Lr.No.16052/spl 1/2002-2003/Dated: 21.05.2002.

2. It is submitted that subsequently an announcement was made by the Hon'ble Chief Minister of Tamil Nadu during the Budget session 2014-15, under Rule 110 in the Floor of Assesmbly on 04.08.2014, that a barrage across the Kollidam River, with Head sluices, at the downstream of Lower Anicut near Adhanur and Kumaramangalam villages in Cuddalore and Nagapattinam Districts, would be constructed at an estimated cost of Rs.400.00 Crores.

3. It is submitted that the proposed site for the construction of the barrage is at RD (River Distance) 74/3 mile (119.670 km) across the Kollidam River, situated in Adhanur Village of Kattumannarkoil Taluk of Cuddalore District, which is in Left Bank of Kollidam River and Kumaramangalam (hamlet) of Thiruchitrambalam village of Mayiladuthurai Taluk of Nagapattinam District in right bank of Kollidam River. The proposed barrage lies about 11 Km from downstream of Lower Anicut. The Latitude and Longitude of the proposed site at left bank is 11°11'14"N and 79° 32'29"E respectively.

4. The flood water that occurs in River Cauvery are being diverted through Kollidam River and these water, after meeting the needs of Lower Anicut drain into sea, since no irrigation structures are in existence at the downstream of Lower anicut. To store these flood water, a barrage across Kollidam River with Head sluices at about 11 km downstream of Lower anicut, between the villages Adhanur & Kumaramangalam in Cuddalore and Nagapattinam Districts is proposed with the capacity of 334mcft with a dead storage of 66 mcft and hence usable storage would be 268mcft. Adopting 4 numbers of fillings the total usable annual storage

works out to 1072mcft.

5. The site was inspected by the Chief Engineer, Plan Formulation, Chennai and finalised the alignment of the barrage at RD 74/3 mile across the Kollidam River. He also instructed to conduct a detailed sub soil investigation with necessary bore logs along the axis of the barrage and administrative sanction was accorded for conducting surveying and levelling operation including subsoil investigation works at an estimate cost of '24.00 Lakh'.

6. Based on this a detailed estimate was prepared by the Chief Engineer Plan Formulation for Rs.396.4143 Crores. The Government has accorded administrative approval for the scheme and administrative sanction for this work vide GO (Ms) No.290 Public Works (Q2) Department, dated 02.11.2018. The estimate has been technically sanctioned vide 6CE/PF/2018-19 and the work is entrusted to M/s.Sripathy Associates vide the agreement : 2/PF circle / 2018-19 for a value of Rs.379.12 Crore and with an agreement period of 24 months. The date of commencement of work is 04.05.2019. At present 12% of the works has been completed. The entire project is planned to be completed before May 2021."

7. From the above, it is evident that Government of Tamil Nadu have accorded administrative approval for the scheme and work vide G.O.(Ms) No.290 Public Works (Q2) Dept dated 2.11.2018. The estimate has been technically sanctioned and the work is entrusted to M/s.Sripathy Associates for a value of Rs.379.12 Crores and with an agreement period of 24 months. The work was started on 4.5.2019. At present 12% of the work has been completed. The entire project is scheduled to be completed before May 2021.

8. In the light of the above, the prayer sought for in the writ petition is answered and the writ petition is disposed of. However, there shall be no order as to cost.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

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

To

1.The Secretary,
Government of Tamil Nadu
Public Works Department
Secretariat, Fort St George
Chennai - 9

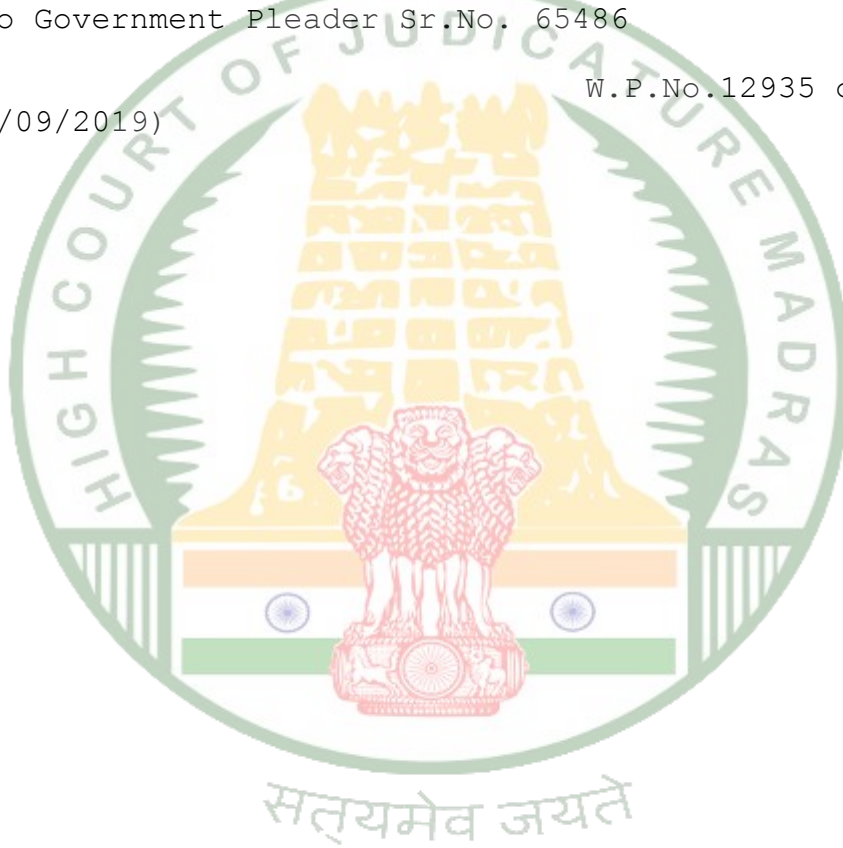
2.The District Collector
Collectorate, Nagapattinam & District

+1cc to Mr.P.Vijendran , Advocate SR.No. 65486

+1 cc to Government Pleader Sr.No. 65486

W.P.No.12935 of 2017

A.SK(20/09/2019)



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