



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

W.P (MD) NO.7069 OF 2019

B.Paulraj

:Petitioner

.vs.

- 1.The Principal Secretary,
Public Works Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Office of the District Collector,
Kanyakumari District.
- 3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
Nagercoil,
Kanyakumari District.
- 4.The Assistant Executive Engineer,
WRD/PWD.,
Kotaiyar Basin Sub-Division,
Cheruppalloor,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani(Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of Thamiraparani(Kuzhithurai) River based on G.o(3D) No.26, P.W(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

For Petitioner

: Mr.S.Vanchinathan

For Respondents

: Mr.A.Muthukaruppan
Additional Government Pleader



O R D E R

[Order of the Court was made by **S.S.SUNDAR.,J.**]

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to take immediate steps to construct a Check Dam in the Parakkani (Irayumanthurai) Area at Vilavancode Taluk in Kanyakumari District to obstruct the sea water intrusion between Mangadu to Thengaipattanam of Thamirapareani (Kuzhithurai) River based on G.O (3D) No.26, P.W(W.1) Dept/dated 24..8.2018 issued by the Department of P.W.D, Tamil Nadu within the time frame fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Thamiraparani river which flows from Thirparapu-Kuzhithurai-Thengaipattinam, finally ends up in Arabian Sea. It is stated that from Mangadu to Thengaipattinam, there are seven villages and thousands of families are living on the banks of the river to a stretch of seven kilometers. It is also stated that the said river water is the main source of ground water, agriculture and drinking water, for all the people who are living in that stretch for about seven kilometers.

4.The grievance of the Petitioner is that sea water is mixing with the river water of Tamiraparani and due to intrusion of saline water into the Thamiraparani (Kuzhithurai) river, water is not suitable for drinking or irrigation purpose. It is also stated that increase in salinity in river water is likely to cause other environmental issues and health hazards. It is in these circumstances, the Petitioner has come forward with this Writ Petition for the relief, as stated supra.

5.It is also stated that despite passing of Government Order sanctioning and approving the scheme, construction of check dam has not been commenced.

6.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the construction work namely construction of Check Dam in the appropriate place has been given to a Contractor, after following the tender process. Further, for construction of Check Dam, a sum of Rs.14,58,76,181/- has been approved and sanctioned by the Government. It is further stated that the work is likely to be commenced. It appears that the Contractor had also deposited the security deposit as per the tender conditions. It is further submitted that after appointment of Contractor and execution of contract, the Contractor has commenced the civil work.



7.The learned Additional Government Pleader appearing for the respondents also submitted that the respondents will ensure that the work is executed within the time stipulated in the agreement, without any delay.

8.Having regard to the nature of work undertaken by the respondents, the official respondents shall ensure that the construction of Check Dam is completed before the rainy season, so that there will not be any obstruction of the work and further inconvenience to the public can be prevented.

9.With the above direction, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.58317

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vsn