



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)No.20736 of 2019

Kandhasamy

... Petitioner

Vs.

1.The State represented by
The Secretary to the Government,
Public Works Department,
St. George Fort, Chennai.

2.The Executive Engineer,
Kundaru Vadinilam,
Public Works Department,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent to allow the villagers to complete the restoration work (Kudimaramathu Scheme) of Kattanur Kanmai comprised in Survey No.1 to an extent of 246.80 Hectares at Sengamadaai Village in Virudhunagar District by considering the petitioner's representation dated 16.08.2019 within the period that may be stipulated by this Court.

For Petitioner	: Mr.K.S.Durai Pandian
For Respondents	: Mr.A.K.Baskarapandian Special Government Pleader

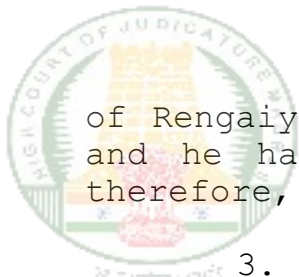
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ORDER

(Order of the Court was delivered by **T.S.SIVAGNANAM, J.**)

The petitioner is before this Court by way of a Public Interest Litigation stating that desilting work of water bodies has to be entrusted to the villagers and without doing so, the second respondent has entrusted the said work to a private agency.

2. The learned Special Government Pleader accepting notice on behalf of the respondents, has filed the counter affidavit of the second respondent from which, we find that an Association called "Kattanur Anicut Neer Pasana Sangam" has been formed and registered before the District Registrar (Admin) Office, Sivagangai, on 25.07.2019, bearing No.156/2019. It is stated that one R.Muthu, son



of Rengaiya, has been elected as President of the said Association and he has secured the maximum support from the pattadhars and therefore, the work has been entrusted to the said Association.

3. It is further submitted that the petitioner has submitted a representation to the Chief Secretary to the Government of Tamil Nadu stating that the work has been executed and requested that the work should be allotted to the villagers. The matter was enquired into and the farmers Association was informed and the Field Officers are monitoring.

4. It goes without saying that the second respondent shall ensure that the work is done by the Association which has been formed and cannot be executed by a sub-contractor. If any violation is committed, then, the second respondent should take immediate action and accordingly, we direct the second respondent to conduct surprise inspection to ascertain the facts and if there is any violation of the conditions imposed by the second respondent while entrusting the work to the said Association, immediate action shall be initiated in accordance with law.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

rsb

To

1.The Secretary to the Government,
Public Works Department,
St. George Fort, Chennai.

2.The Executive Engineer,
Kundaru Vadinilam,
Public Works Department,
Virudhunagar District.

+1 CC to SPL GP SR-90582.

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CS(15.10.2019) 2P 4C