

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.11.2020
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA
WP.No.15521/2020

K.Thangavel

.. Petitioner

Versus

- 1.The Government of Tamil Nadu
represented by its Secretary
Public Works Department
Secretariat, Fort St George
Chennai.
- 2.Public Works Department
represented by its Chief Engineer
PWD Estate, Chepauk,
Chennai.
- 3.The District Collector
Salem.
- 4.The Executive Engineer
Tamil Nadu Public Works Department
Water Resource Department
Ground Water Division, Adaikala Nagar
Hasthampatti, Salem 636 007.

5.Sakthivel

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments on both sides of Iyer Irrigational Channel of Punalvasal Lake, Athur Taluk and further direct the respondents 1 to 4 to renovate the water channel as per Tamil Nadu Renovation Scheme 2020-2021 for the renovation of the lake and the water flow channels in Punalvasal Village, Athur Taluk, Salem District.

For Petitioner : Mr.V.Lakshminarayanan
For RR 1 to 4 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr. R. Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 4.
- (3) The petitioner is a resident of North Street, Punalvasal Village, Athur Taluk, Salem District and he came forward to file this writ petition, styled as a Public Interest Litigation, stating among other things that the Town of Athur is situated on the Southern Bank of 'Vashishta' River and the Vellar system consists of Vashishta and Sweata Rivers which drain two parallel valleys, running East and West of Athur Taluk. The Vashishta River drains water from Kalvarayan Hills and Sweata River drains water from Kolli Hills and Pachamalai Hills. The petitioner expresses the grievance that River Vashishta originates from Salem District and flows through Kurichi, Belur, Yethapur, Pethanaickentpalayam, Attur, Kattukottai, Manivizhundhan North between South Deviyakurichi, Pattuthurai, Thalaivasal, Aragalur, Sitheri and Cuddalore District and it also flows through Tiruchirappalli and joins Sweata River before draining into Bay of Bengal and in the course of the streams of the two rivers, small dams are located at Athur and Periyeri and Check Dams are also been constructed in Attur, Thalaivasal and Periyeri/Aragalur.
- (4) The petitioner would aver that in order to facilitate the improvement of the irrigation and to increase the storage of water in the lakes / water bodies, the Government of Tamil Nadu had introduced a Scheme of Renovation of the Rivers and the cost for the same was also fixed at Rs.30 Lakhs and the primary object of the scheme is to remove all encroachments in and around 'Iyer Irrigational Water Channel' and to ensure free flow of water for the purpose of irrigation. The primordial grievance expressed by the petitioner is that though the water ways have to be cleared of encroachments including the growth of exotic weeds, worthwhile has not been done by the official respondents and the 5th respondent, taking advantage of the same, had encroached upon both sides of 'Iyer Irrigational Water Channel' of Punalvasal Village, Athur Taluk and in this regard, repeated representations dated 24.08.2020 and 07.09.2020 have been submitted to the concerned official respondents and despite receipt and acknowledgment, nothing is

moving forward and left with no other option only, the petitioner is constrained to approach this Court by filing this writ petition as a Public Interest Litigation.

(5) The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that since the monsoon is setting in, it is high time, respondents 2 and 4 should devote their best attention to clear the water ways by removing the encroachments and hence, prays for appropriate positive orders.

(6) Mr. R. Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 4 would submit that upon causing inspection, needful would be done at the earliest.

(7) The Court has considered the rival submissions and also perused the materials placed before it.

(8) This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the 4th respondent or his immediate subordinate officials to cause inspection of 'Iyer Irrigational Water Channel' situate at Punalvasal Village, Athur Taluk, Salem District and in the process, shall also put the concerned persons / encroachers, which may include the 5th respondent also, on notice and depending upon the result of the inspection, shall take immediate, necessary and appropriate action in accordance with law and also be adhering to the principles of natural justice and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, 5th respondent as well as to the other person/s concerned, if any.

(9) The writ petition stands disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Chief Engineer
Public Works Department
PWD Estate, Chepauk,
Chennai.

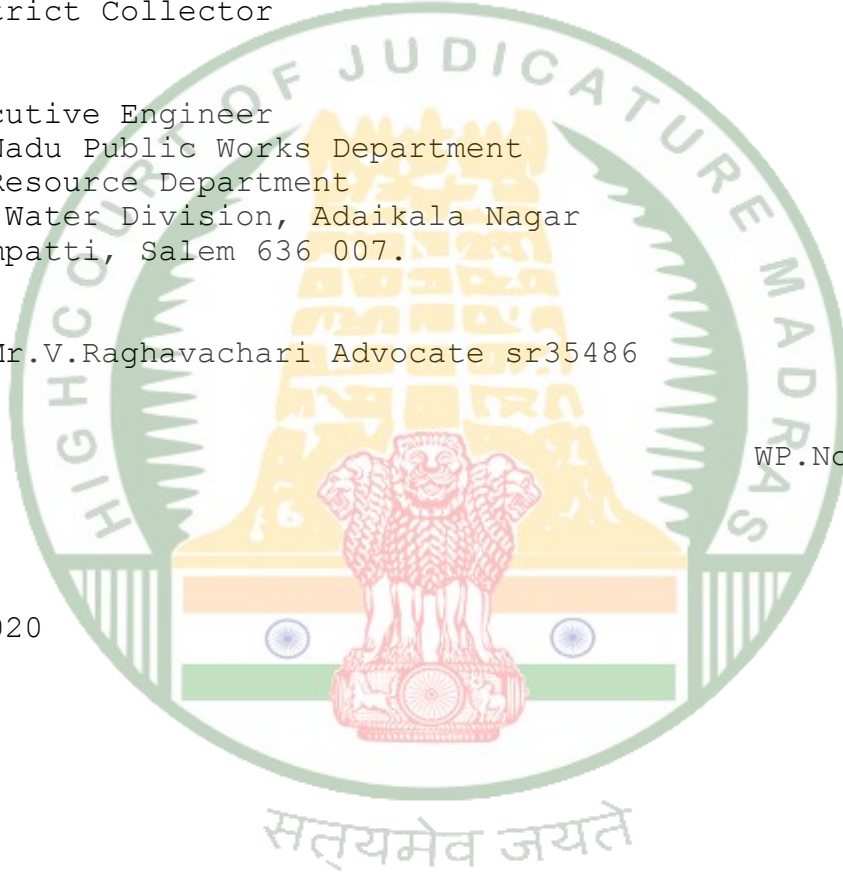
3.The District Collector
Salem.

4.The Executive Engineer
Tamil Nadu Public Works Department
Water Resource Department
Ground Water Division, Adaikala Nagar
Hasthampatti, Salem 636 007.

+1 cc to Mr.V.Raghavachari Advocate sr35486

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