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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.17350 of 2018

Vinayagamoorthy

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu
Public Works Department, Secretariat
Chennai 600 009.

2.The District Collector, Cuddalore Distrct
Cuddalore.

3.The Chief Engineer, Public Works Department
Water Resources Department, Trichy Region
Trichy.

4.The Executive Engineer
Public Works Department
Water Resources Department
Coleroon Basin Division, Chidambaram
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 3 and 4 to ensure the release of 10% of Cauvery water received at Kallanai (Grant Anicut) to Lower Anicut to Vadavar, Vadakku Rajan Vaikkal and other Vaikkals simultaneously for the purpose of irrigation in the Districts of Cuddalore and Nagapattinam and to open a Section Office at Kallanai (Grand Anicut) so as to monitor the release of 10% of Cauvery water from Kallanai (Grand Anicut) to Lower Anicut.

For Petitioner : Mr.G.Pugazhenth

For Respondent : Mr.J.Pothiraj
Special Government Pleader



O R D E R

(Order of the Court was made by R.SURESH KUMAR, J.)

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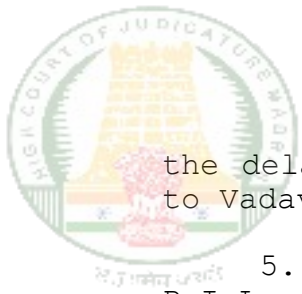
This Public Interest Litigation has been filed with the following prayer.

"For the issuance of a Writ of Mandamus directing the respondents 3 and 4 to ensure the release of 10% of Cauvery water received at Kallanai (Grant Anicut) to Lower Anicut to Vadavar, Vadakku Rajan Vaikkal and other Vaikkals simultaneously for the purpose of irrigation in the Districts of Cuddalore and Nagapattinam and to open a Section Office at Kallanai (Grand Anicut) so as to monitor the release of 10% of Cauvery water from Kallanai (Grand Anicut) to Lower Anicut."

2. During the earlier hearings, we directed the respondents to file the report as well as the affidavit to explain as to how water is being discharged from lower Anaicut in Coleroon river.

3. Pursuant to the said direction, the fourth respondent ie., the Executive Engineer, Public Works Department, W.R.D., Coleroon Basin Division, Chidambaram, Cuddalore District has filed the Cauvery River Flow Diagram with the details of monthly water out flow from lower Anaicut during 2014-2019 and in support of those documents, the said respondent has also filed a supporting affidavit by way of a counter.

4. Learned counsel for the petitioner submits that, the petitioner is from the irrigation region of Coleroon North Rajan Channel, where the Ayacutdars need water for agricultural purposes every year. The said Channel is one of the six Channels to which water being released from Lower Anicut and that the officials of the department ie., Public Works Department are not releasing water simultaneously to all the six channels viz., Vadavar Channel, Coleroon North Rajan Channel, Coleroon South Rajan Channel, Melaraman Channel, Kummuki Channel and Kanjankollai Channel. In this regard, it is the specific grievance of the petitioner that first they release water to Vadavar river Channel and after two to three weeks only they start releasing water to other channels including Coleroon North Rajan channel and hence the agriculturists who are having land around other five channels, including the petitioner region, are facing difficulty due to



the delayed release of water compared to the release of water to Vadavar river.

5. Therefore, the grievance of the petitioner in this P.I.L., is that, the release of water to all the six channels must be simultaneous release including Vadavar Channel and no preference should be given to Vadavar Channel compared to the other five channels.

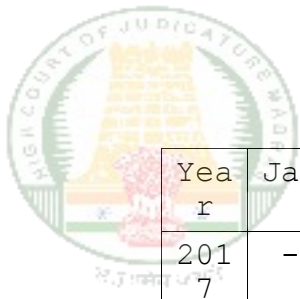
6. In this context, when we specifically asked the learned Special Government Pleader Mr.J.Pothiraj, appearing for the respondents, he submitted that insofar as the releasing of water to the Channels is concerned, first priority is given to Vadavar Channel because once the water is released to the said Channel, the water is being filled up in a massive lake called "Veeranam lake", which is one of the main source of drinking water facility being provided to Chennai City. Unless and until in the first lot, the Vadavar Channel is filled up, the Veeranam lake from which the drinking water is being provided to Chennai City will get affected and therefore the Government, on a priority basis, is releasing water to Vadavar Channel thereby filling up the Veeranam Lake and thereafter the remaining water would be released to the other Channels for irrigation purposes. He also submitted that, as soon as Veeranam Lake is filled up within a shortest possible time, they will release the remaining water to the other Channels including Coleroon North Rajan Channel simultaneously.

7. Learned Special Government Pleader also produced the water release details for the past 5 to 6 years in all the above channels during 2014 to 2019 and for the purpose of ready reference, we quote the said table hereunder.

Lower Anicut Monthly Water Inflow Detail in Cuddalore District
From 2014 to 2019
Vadavar Channel, Coleroon North Rajan Channel and Kanjankollai Channel

(In TMC - Thousand Million Cubic Feet Per Second)

Year	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Total
2014	1.61	0.24	0.07	0.87	0.49	0.04	-	0.71	2.18	1.87	0.87	1.35	10.29
2015	1.50	0.25	-	0.22	1.21	-	0.90	-	1.58	0.77	0.22	0.45	7.11
2016	0.90	0.02	-	-	-	-	-	-	-	0.01	1.25	0.01	2.20



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	-	-	-	-	-	-	-	-	-	0.55	1.07	0.57	2.19
2018	0.10	0.04	-	-	-	-	-	1.13	3.30	1.46	1.96	1.57	9.56
2019	1.07	0.08	-	1.46	-	-	-	1.53	3.95	3.22	2.36	1.74	15.74
6 YEARS OVERALL TOTAL													47.09

Lower Anicut Monthly Water Inflow Detail in Cuddalore District
From 2014 to 2019
Coleroon South Rajan Channel, Kummikkimanniyar Melaraman
Channel, Vinayagan Channel and Melaraman Channel
(In TMC - Thousand Million Cubic Feet Per Second)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2014	0.40	-	-	-	-	-	-	-	0.45	0.94	0.45	0.51	2.74
2015	0.30	0.04	-	-	-	-	-	-	0.70	0.46	0.15	0.27	1.92
2016	0.53	0.02	-	-	-	-	-	-	-	-	-	-	0.56
2017	-	-	-	-	-	-	-	-	-	0.14	0.13	0.32	0.59
2018	0.06	-	-	-	-	-	-	0.28	1.30	0.95	0.47	0.56	3.63
2019	0.25	0.03	-	0.04	-	-	-	-	1.09	1.29	1.47	0.79	4.66
6 YEARS OVERALL TOTAL													14.11

8. We have carefully considered the submissions made by both the counsel and we have perused the materials placed before this Court.

9. Learned counsel for the petitioner is not in dispute with the discharge of water in the Coleroon North Rajan Channel, which is pertaining to the area of the petitioner. Learned counsel also does not express any grievance with respect to the quantity of water released, which is adequate depending upon the availability of water in one year. However, the only grievance of the petitioner, as we pointed out



earlier, is the non-simultaneous release of water in all the six channels without giving preference to Vadavar Channel.

10. As we have quoted above, learned Special Government Pleader has pointed out that, they release water first to Vadavar Channel for the purpose of filling up the Veeranam Lake, which is the main source of drinking water to Chennai City and therefore the said purpose must always be given preference. If the said Veeranam Lake is not filled up at the first instance with available water, then there will be a chance of water scarcity in the Veeranam Lake, which will certainly affect the prospects of drinking water supply uninterruptedly to the Chennai City. Therefore, we find some justification in releasing the water first to Vadavar Channel.

11. It is also to be noted that, after releasing water to Vadavar Channel, the water is being simultaneously released to all the remaining five channels, without giving preference among the said five channels. When that being the position, if there is no differential treatment meted out to the Coleroon North Rajan Channel, we find no infirmity in the said pattern of releasing or discharge of water from the Lower Anicut to all the Channels including the Coleroon North Rajan Channel.

12. For all these reasons, we are satisfied that the water discharging pattern as has been undertaken by the respondents is justifiable and in this regard there can be no specific grievance available for the petitioner to find fault with the said system being adopted for years together by the respondents.

13. Hence, we find no reason to pass any further orders as has been sought for by the petitioner in this Public Interest Litigation except to record the aforesaid facts. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

KST



To

- 1.The Secretary to Government of Tamilnadu
Public Works Department, Secretariat
Chennai 600 009.
- 2.The District Collector, Cuddalore Distrct
Cuddalore.
- 3.The Chief Engineer, Public Works Department
Water Resources Department, Trichy Region
Trichy.
- 4.The Executive Engineer
Public Works Department
Water Resources Department
Coleroon Basin Division, Chidambaram
Cuddalore District.

+lcc to M/s.G.Pugazhenthhi, Advocate SR.19620
+lcc to the Government Pleader SR.19262

W.P.No.17350 of 2018

BP(CO)
CB(01/07/2020)