

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.12422 of 2017

M.Neelamegam

... Petitioner

Vs

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.
- 2.The Chief Engineer,
Public Works and Water Resource
Organization Department,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Cuddalore District,
Cuddalore.
- 4.The District Collector,
Nagapattinam District,
Nagapattinam.
- 5.The Chief Engineer,
Public Works Department,
Trichy Region,
Water Resource Department,
Trichy.
- 6.The Executive Engineer,
Public Works Department,
Kollidam Water Resource Division (WRO),
Chidambaram
Cuddalore District.
- 7.The Executive Engineer,
Public Works Department,
Lower Cauvery Basin Division,

Water Resource Department,
Myladuthurai,
Nagapattinam District.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing the respondents to construct the beedam in the Kollidam River to prevent the intrusion of salt water into the Kollidam River and thereby into the lands of villages situated on either side of Kollidam River in Nagapattinam District and Cuddalore District within stipulated time based on the estimation of the 7th respondent.

For Petitioner : Mr.K.Balu

For Respondents : Mr.R.Vijayakumar, Additional
Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

The petitioner has come forward to file this writ petition with the grievance that there is intrusion of salt water into the Kollidam River affecting the river and the nearby lands.

2. In the counter affidavit filed by the seventh respondent, the following statement has been made:-

"7. The Chief Minister also announced that barrage would be constructed between Karuppur of Cuddalore District and Mathiravelur of Nagapattinam District, across the Kollidam River for which the Detailed investment would be conducted at the cost of Rs.43.00 lakhs. Therefore the Government is very much interested in Protecting the Ground Water and also taking steps to prevent the intrusion of sea water in to cultivable and residential areas.

8. It is submitted that there is a proposal for Construction of Barrage between Alakkudi village of Sirkali Taluk of Nagapattinam District and Thirukazhipalai village of Chidambaram Taluk Cuddalore District to prevent the intrusion of salt water. It is learnt that already 67 villages

were affected due to intrusion of sea water for 22 km from the sea preliminary report for the project was submitted in order to take out survey measurement, Soil testing and investigation works on Estimate was prepared as per the rate of 2019-2020 for an amount of 100 Lakhs and submitted to the Government.

9. The barrage construction between Karupur and Mathiravelur is now in initial stage and land acquisition works were already commenced planning and designing is also under progress. The averment of the petitioner that the Government has not taken any action for protection of Ground water and preventing intrusion of sea water. The Government has the plans to construct the barrage or Bed dam in Coleroon River wherever required subject to feasibility in other places also.

10. The allegation of the petitioner in this petition are all false and baseless without taking any technical and ecological aspects. It is false to state that the Government has not taken any effective steps for Construction of Bed dam.

11. In the water spread with in the banks of the river patta lands are available and a significant portion of these lands will be submerged during the construction of the Barrage. These lands are proposed to be acquired before the construction of the Barrage. The Barrage cannot be constructed in a war footing phase."

3. In view of the above, we expect the respondents to proceed further pursuant to the orders for construction of barrage between Alakkudi Village of Sirkali Taluk of Nagapattinam District and Thirukazhipalai Village of Chidambaram Taluk, Cuddalore District.

4. Similarly, the barrage construction has already been started between Karupur and Mathiravelur and is expected to be completed within a reasonable time. The Government also is further directed to seriously consider the feasibility to construct the barrage or bed dam in Kollidam river. If the process requires acquisition, appropriate procedure will have to be initiated, as there is an element of public interest is involved.

5. With the above said observations, Writ Petition stands disposed of. If there is any laxity on the part of the respondents in proceeding further, the petitioner can always invoke the jurisdictional Court. No Costs. Consequently, connected W.M.P.No.13179 of 2017 is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.
- 2.The Chief Engineer,
Public Works and Water Resource
Organization Department,
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- 3.The District Collector,
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Trichy Region,
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Trichy.
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Kollidam Water Resource Division (WRO),
Chidambaram

Cuddalore District.

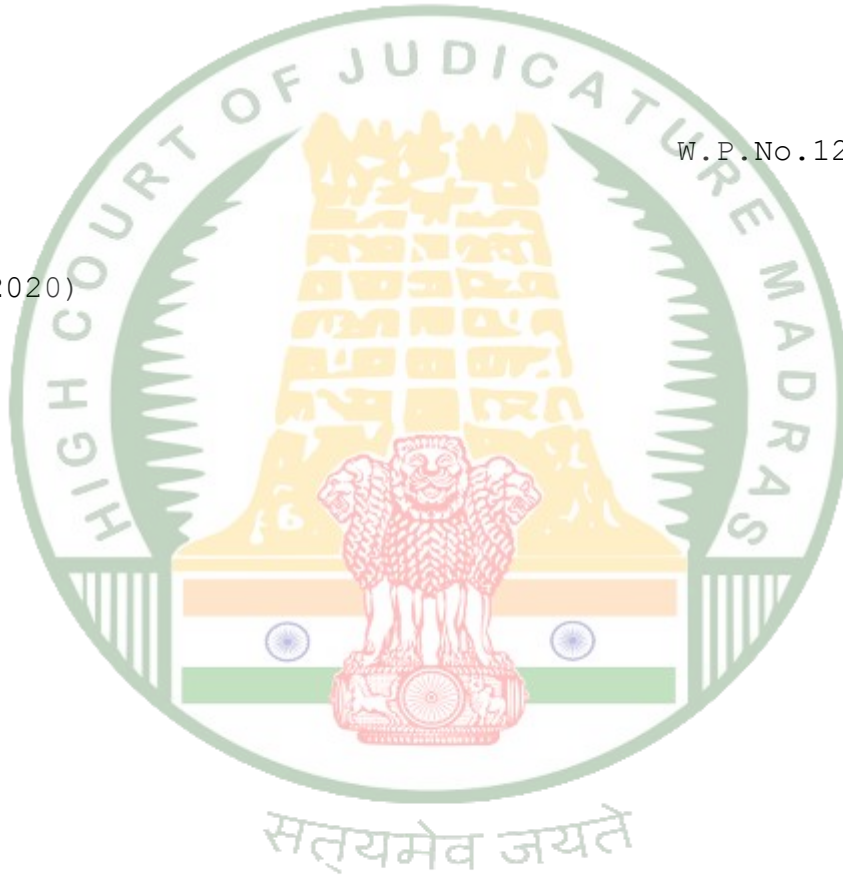
7.The Executive Engineer,
Public Works Department,
Lower Cauvery Basin Division,
Water Resource Department,
Myladuthurai,
Nagapattinam District.

+lcc to Mr.K.Balu, Advocate, Sr.No.18688

+lcc to Government Pleader, High Court, Madras-104, Sr.No.19281

W.P.No.12422 of 2017

RSK(CO)
GS(26/05/2020)



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