



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

WEB COPY

W.P. (MD) No.7838 of 2020

(Through Video conferencing)

E.Pudukottai Varuvai Gramam Pathiyapatta

Ayakattu Vivasaiikal Sangam

(Registration No.126/2019)

Rep. By its Secretary

P.Chinnamani.

...Petitioner

-Vs-

1.The District Collector

Theni District

Theni.

2.The Executive Engineer

Public Works Department

Manjalaru Vadinilakottam

Periyakulam

Theni District.

3.The Sub Collector

Periyakulam

Theni District.

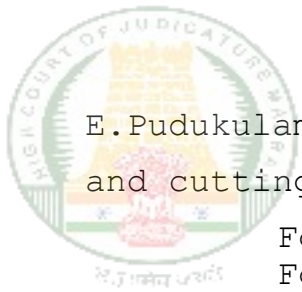
4.The Tahsildar

Periyakulam

Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to initiate appropriate action based on petitioner representation dated 01.02.2020 whereby conducting proper enquiry into the misappropriation of fund allocated under the Kudimaramathu Scheme towards the maintenance of E.Pudukulam Kanmai, E.Pudukottai, Periyakulam Taluk, Theni District for the year 2017-18 to carry out repair work in the E.Pudukulam Kanmai, E.Pudukottai, Periyakulam Taluk, Theni District under the Kudimaramathu Scheme, to take appropriate action against the illegal breeding of fishes in the



E.Pudukulam Kanmai, E.Pudukottai, Periyakulam Taluk, Theni District
and cutting of trees in the field of the Kanmai.

For Petitioner : Mr.A.Jayaramachandran
For Respondents : Mr.VR.Shanmuganathan,
Special Govt. Pleader

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ORDER

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

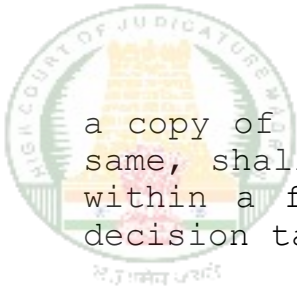
This writ petition is styled as a Public Interest Litigation filed by the Secretary of Petitioner Association, which is also a registered body, alleging, among other things, that in respect of the repairing work relating to E.Pudukulam Kanmai (water body) under Kudimaramathu Scheme, there were some irregularities in the form of not carrying out the repair work properly and some of the private respondents were taking steps to breed the fish in the said Kanmai without any authorisation whatsoever.

2. The learned counsel appearing for the petitioner has invited the attention of this Court to the representations dated 09.01.2019, 18.11.2019 and 01.02.2020 and would submit that despite the said illegal activities have been brought to the concerned official respondents, no proper response is forthcoming and therefore, prays for appropriate orders.

3. Mr.VR.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of respondents and drawn the attention of this Court to the communications sent by the concerned officials, which are enclosed at page Nos,7, 8 and 15 of the typed set of documents and would submit that no irregularities have been noted in carrying out the work relating to E.Pudukulam Kanmai (water body) under Kudimaramathu Scheme and therefore, required funds have also been disbursed and further points out that as far as the breeding of fish in the concerned water body is concerned, no permission has been accorded and the concerned officials have also instructed to take appropriate steps to prevent the said act and as such, the grievance expressed by the petitioner has been addressed without any loss of time and hence, prays for dismissal of this writ petition.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. This Court, in the light of 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, permits the petitioner Association to submit one more detailed representation to the second respondent, with supporting documents and photographs, as to the alleged illegality or misdeeds, within a period of four weeks from the date of receipt of



a copy of this order and the second respondent, upon receipt of the same, shall consider and dispose of the same in accordance with law within a further period of 8 weeks thereafter and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector
Theni District
Theni.
- 2.The Executive Engineer
Public Works Department
Manjalaru Vadinilakottam
Periyakulam
Theni District.
- 3.The Sub Collector
Periyakulam
Theni District.
- 4.The Tahsildar
Periyakulam
Theni District.

Order made in
W.P. (MD) No. 7838 of 2020
22.07.2020

KK(28.07.2020) 3P 5C