



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2020

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WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.P. (MD)No.11235 of 2020

Ponnusamy

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Vembakottai Taluk,
Virudhunagar.
- 3.The Superintendent Engineer,
Water Resource Department,
Public Works Department,
Virudhunagar.
- 4.The Assistant Engineer/
Junior Engineer,
Water Resource Department,
Public Works Department (Water Storage Plan II),
Irukankudi,
Virudhunagar District.
- 5.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.
- 6.Ramraj,
The President,
Kezharajakularaman Kanmai Pasana Vivasayigal Sangam,
Vembakottai Taluk,
Virudhunagar.
- 7.P.Subbramanium,
The Vice President,
Kezharajakularaman Kanmai Pasana Vivasayigal Sangam,
Vembakottai Taluk,
Virudhunagar.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 6 and 7 from indulging in illegal quarrying sand from the Keelarajakularaman Kanmai, Vembakottai, Virudhunagar and consequently direct the official respondents to monitor the Kudimaramathu activities carried by the respondents 6 and 7 periodically at Kallrajakularaman Kanmai, Vembakottai, Virudhunagar.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader for R.1 to R.5

ORDER

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

The petitioner claims to be a president of "Keelarajakularaman Periyakulam Kanmai Neerina Payanpaduthuvor Sangam" - association, who is the user of the water source in the water body vide Keelarajakularaman tank and according to him, a contract has been awarded to a recently formed association, which is having a patronage of local politicians belonging to the Ruling party and under the garb carrying out kudimaramathu, started illegal quarrying of the earth/sand and transportation of the same for commercial exploitation and in that process, also causing incalculable damage to the said water body.

2. The learned Counsel appearing for the petitioner would submit the petitioner submitted a representation dated 17.06.2020 in this regard to the official respondents, however the official respondents failed to evoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned Counsel appearing for the petitioner has also invited the attention of this Court to the photographs which are made available from page Nos.12 to 16 of the typed set of papers.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 5 and would submit that the total spread of water body is 330 Acres and the entrustment of the work has been done in a fair and transparent manner and also strictly in accordance with the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000 and the Rules framed thereunder and since the petitioner is also a member of the opposite party, who is unable to get the said work, has approached this Court with an oblique and *mala fide* motive and hence, prays for dismissal of this writ petition.



5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. This Court, taking into consideration the above facts and circumstances, without going into the merits of the claim as projected by the petitioner either in his representation or in this writ petition, directs the respondents 4 and 5 to cause inspection of the water body, as to the quality of kudimaramathu being done and further find out that under the garb of executing the said work, whether the relevant terms and conditions of the permission are violated in the form of illegal quarrying and transportation of earth/sand and exploited for commercial purpose. If anything adverse is found, the respondents 4 and 5 shall put the concerned persons on notice and take immediate, necessary and appropriate action in accordance with law and also by adhering to the principles of natural justice and communicate the decision taken to the petitioner as well as to the persons concerned if any. The entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Vembakottai Taluk, Virudhunagar.



3.The Superintendent Engineer,
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Public Works Department, Virudhunagar.

4.The Assistant Engineer/
Junior Engineer,
Water Resource Department,
Public Works Department(Water Storage Plan II),
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5.The Tahsildar,
Vembakottai Taluk, Virudhunagar District.

+1 CC to SGP (SR-16676[F] dated 11/09/2020)

W.P. (MD) No.11235 of 2020

09.09.2020

NR (18.09.2020) 4P 7C