



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.12180 of 2020

and W.M.P. (MD)No.10468 of 2020

(Through Video conferencing)

S.Muthuramalingam

...Petitioner

-Vs-

1.The District Collector
Thoothukudi District
Thoothukudi.

2.The Executive Engineer
Water Resource Organization
Tamirabarani Basin
Public Works Department
Thoothukudi District
Thoothukudi.

3.The Tahsildar
Srivaikundam Taluk
Srivaikundam
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, restraining the respondents from creating/raising bunds in the western side of Vellur Kulam (Vellur Tank) situated in Survey No.542B-1A of Vellur Village, Srivaikundam Taluk, Thoothukudi District and thereby direct the respondents to protect the cultivating standards of the agricultural land to an extent of 500 acres that are belong to the poor farmers of Kalvoy Village of Thoothukudi District.

For Petitioner	: Mr.R.M.Makeshkumaravel
For Respondents	: Mr.K.P.Krishnadoss, Special Govt. Pleader for R1 & R3 Mr.S.Ramesh, Intervenor.

ORDER



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

The petitioner claims to be an agriculturist and according to him there exists Vellur Kulam (a small water body) situate in Survey No.542B-1A of Vellur Village, Srivaikundam Taluk, Thoothukudi District and under the garb of deepening the said water body, the bunds are being raised and as a consequence, the petitioner and other agriculturists, who own lands adjacent to the said water body may be deprived of the water supply.

2. The petitioner, in this regard, has also submitted a representation dated 11.09.2020 to the first respondent and despite receipt and acknowledgement, no action has been taken to address the grievance and therefore, he is constrained to approach this Court by filing this writ petition.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of respondents 1 and 3 and he would submit that the said water body is being deepened in pursuant to the order dated 29.04.2019 made in W.P.(MD)No.10752 of 2019 filed by Porunai Naathineer Melanmai Sangam, and the process is on to remove the encroachment caused upon the water body also.

4. Mr.S.Ramesh, learned counsel representing the petitioner in W.P.(MD)No.10752 of 2019 prays for leave of this Court to intervene this matter and accordingly, he is permitted to intervene and by drawing the attention of this Court to the representation of the petitioner dated 11.09.2020, would submit that some of the signatories viz., S.Nambirajan and P.Ulaganathan are rank encroachers upon the said water body and the petitioner, under the garb of this Public Interest Litigation, is only espousing their cause and since the present writ petition styled as a Public Interest Litigation lacks *bona fide*, this Court may dismiss the same with exemplary costs.

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

6. The petitioner for having submitted representation dated 11.09.2020 to the first respondent, did not submit any acknowledgement and that apart within ten days of submitting the representation, has immediately approached this Court.

7. This Court taking into consideration the rival submissions, facts and circumstances and materials is of the view that it is open to the petitioner to invoke the provisions of the Right to Information Act to know about the fate of his representation dated 11.09.2020 said to have been submitted to the first respondent.

8. This Writ Petition stands disposed of accordingly. No
<https://hcservices.ecourts.gov.in/hcservices/>



costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CSII)

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// 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
Thoothukudi District
Thoothukudi.
- 2.The Executive Engineer
Water Resource Organization
Tamirabarani Basin
Public Works Department
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Thoothukudi.
- 3.The Tahsildar
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Srivakundam
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-17741[F] dated 22/09/2020)

W.P. (MD)No.12180 of 2020
and W.M.P. (MD)No.10468 of 2020
21.09.2020

KMV (CO)
KB (30.09.2020) 3P 5C