



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **N. KIRUBAKARAN**

and

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

W.P. (MD)No.15955 of 2020

T.Rathinavel

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.
2. The Chief Engineer (Irrigation),
Ezhilagam,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Theni,
Theni District.
4. The Chief Engineer,
Public Works Department &
Water Resources Organisation,
Thallakulam,
Madurai.
5. The Superintending Engineer,
Public Works Department &
Water Resources Organisation,
Periyar Vaigai Drain Division,
Madurai
6. The Executive Engineer,
Public Works Department &
Water Resources Organisation,
Planning & Design Division,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus, directing the respondents to lay proposed pipeline project at the distance of 62 K.Ms., to bring surplus Mullai Periyar Rain Water from Kullappa Goundan Patti Stream to Ethakovil tank for the purpose of irrigation and to recharge the groundwater in over 150 villages under 30 Grama



Panchayats in Andipatti block by considering the petitioner's representation dated 28.05.2020 in the light of Grama Shaba Resolution dated 26.01.2020 passed in 30 Grama Panchayats within a stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Rajasekar
For Respondents : Mr.M.Muthugeethaiyan,
Special Government Pleader

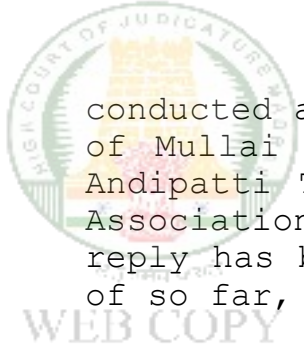
ORDER

[Order of the Court was made by **N. KIRUBAKARAN, J.**]

The petitioner, who claims to be the Secretary of Tamilaga Malar Farmers Association at Theni District, and an agriculturist, has filed this writ petition, seeking for the issuance of writ of Mandamus, to direct the respondents to lay proposed pipeline project at the distance of 62 K.Ms., so as to bring the surplus Mullai Periyar Rain Water from Kullappa Goundan Patti Stream to Ethakovil tank for the purpose of irrigation and recharge the groundwater in 150 villages under 30 Grama Panchayats in Andipatti Block, by considering the representation, dated 28.05.2020, in the light of Grama Shaba Resolution, dated 26.01.2020, passed in 30 Grama Panchayats within the time stipulated by this Court.

2. According to the petitioner, the Andipatti Town Panchayat Union is comprised of 30 Village Panchayats. Agriculture is the main avocation of the farmers and due to failure of monsoon, the farmers are unable to cultivate their lands and therefore, the farmers of the Tamilaga Malar Farmers Association undertook an extensive survey and studied for the past four years and finally prepared a feasible report to bring the surplus rain water from Kullappa Goundan Patti Stream to Andipatti Region. The Kullappa Goundan Patti Stream is the point, where the water from Periyar, Suruli Malai, Vellimalai, Megamalai, Moolavaigai River and Water from other small channels, connects.

3. According to him, the Kullappa Goundan Patti is the point, where Periyar water is released for Cumbum Valley irrigation to Ethakoil tank in Andipatti. The project one-metre wide pipeline shall have gate valves in three places en-route at Ganeshapuram and Nagalarodai and the last valve will be positioned at Ethakoil. If the project is given effect to, 21 tanks apart from over 300 small ponds and Ooranis would receive water and it will recharge 150 villagers under 30 Grama Panchayats in Andipatti Block. The required water to fill up the tanks in the region is only 1.5 TMC and the project cost is about Rs.108 Crore and there is no land acquisition required for over 55 kilometres out of 62 kilometres required for long pipeline project. All 30 Village Panchayats of Andipatti Block have passed resolutions in Grama Shaba which was



conducted at Republic Day on 26.01.2020, to bring surplus rain water of Mullai Periyar from Kullappa Goundan Patti through pipeline to Andipatti Town Panchayat Villages. In this regard, the petitioner Association gave a detailed representation on 28.05.2020. Since no reply has been received and the said representation is not disposed of so far, the petitioner has come before this Court.

4. Heard Mr.N.Rajasekar, learned counsel for the petitioner and Mr.M.Muthugeethaiyan, learned Special Government Pleader, who takes notice on behalf of the respondents.

5. Since the petitioner Association undertook an exercise and prepared a project and gave it by way of a representation, it is for the authorities to consider and take a decision on the representation with regard to the project submitted by the petitioner, by taking into consideration the feasibility report and also considering the rights of the existing Ayacutdars and farmers, on its own merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// 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

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Chennai - 600 009.
2. The Chief Engineer (Irrigation),
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<https://hcservices.thengal.gov.in/hcservices>



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W.P. (MD) No.15955 of 2020
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