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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP NO.12841 OF 2013

AND

MP NO.1 OF 2013

IRT Perundurai Medical College,
Represented by its Additional Director (P),
Perundurai,
Erode.

..Petitioner

vs.

1. The Project Director and Manager (Tech),
National Highways Authority of India,
II Floor 'Sethuram',
No.14, Sundaresa Iyer Layout,
Opp. Rainbow Manor,
Trichy Road,
Coimbatore - 641 018.
2. The Senior Project Manager,
IVRCL Infrastructures Limited,
Indra Nagar,
Sree Vasavi College (PO),
Erode - 638 316.
3. The Superintending Engineer,
TWAD Board,
Erode Circle,
216, Arumugam Street,
Thirunagar Colony,
Erode.

..Respondents

Prayer:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent or their men, agents or anyone claiming through them to complete the work of relaying of Cauvery Water Pipeline belonging to IRT Perundurai Medical



College from 59 K.M. to 79 K.M. on NH 47 and to restore the status quo ante water supply as in 2006 immediately.

For Petitioner : Ms.Kala Ramesh

For Respondent-1 : No Appearance

For Respondent-2 : Mr.Sri Ganesh

For Respondent-3 : Ms.S.Thamizharasi

O R D E R

The relief sought for in the present writ petition is to direct the first respondent or their men, agents or anyone claiming through them to complete the work of relaying of Cauvery Water Pipeline belonging to IRT Perundurai Medical College from 59 K.M. to 79 K.M. on NH 47 and to restore the status quo ante water supply as in 2006 immediately.

2. The grievance of the petitioner is that they have been paying a sum of Rs.2.205 lakhs per annum to the Public Work Department Authorities towards royalty for drawing water from the Cauvery river and has been drawing about 12 lakh litres of water per day, of which, 8 lakhs litres are being utilised by the Institute of Road and Transport Technology and 4 lakhs litres by the petitioner-College to meet the requirement of their College, Hospital, Hostel etc. The water was being pumped through one booster Station at Nasiyanur which is roughly midway between the two Colleges.

3. Due to road expansion by the National Highways Authority of India, damage was caused to the pipelines and in order to repair the damage, a plan was prepared and accordingly, the second respondent-Contractor executed the work by spending considerable amount. However, the Project failed and the petitioner is unable to get water through new pipeline.

4. The respective learned counsel appearing on behalf of respondents 2 and 3 are blaming each other. Ultimately, the public money is being wasted by these authorities.

5. Due to improper planning of laying water line, this Court is of the considered opinion that a thorough study ought to have been undertaken before commencing the work. But after completion of the work, the Authorities are blaming each other and ultimately the loss is to the Tax payer's money.

6. In this regard, the National Highways Authority of India as well as the third respondent have to ascertain the reason for



the failure of the Project and a liability is to be fixed against the persons, who all are responsible and accountable, including the officials of the first and the third respondents. If any negligence or lapses are noticed, then all appropriate actions are to be initiated. The Government funds are to be utilised in a judicious manner and the Authorities are expected to be cautious, while implementing the Scheme and the viability.

7. The learned counsel for the petitioner states that after spending huge amount, the pipeline laid became failed and the College is unable to get water. At the cost of the Government, they are purchasing tank water by spending huge amount.

8. This being the complaint now placed before this Court, the respondents are bound to initiate appropriate action for the financial loss occurred to the public money and take all necessary steps.

9. As far as the restoration of water supply from Cauvery river to the petitioner Medical College is concerned, the petitioner is at liberty to approach the Competent Authority to find out whether there is any other way for the purpose of correcting the errors in implementing the Scheme. If such correction is possible, the same is to be done as expeditiously as possible.

10. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

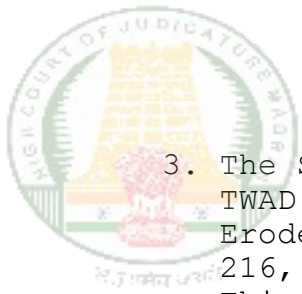
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Sub Assistant Registrar

Svn

To

1. The Project Director and Manager (Tech),
National Highways Authority of India,
II Floor 'Sethuram',
No.14, Sundaresa Iyer Layout,
Opp. Rainbow Manor,
Trichy Road,
Coimbatore - 641 018.



3. The Superintending Engineer,
TWAD Board,
Erode Circle,
216, Arumugam Street,
Thirunagar Colony,
Erode.]

+1cc to Mr.P.J.Rishikash, Advocate, S.R.No.50396

WP 12841 of 2013

PMK(CO)
PM/13/10/2021