



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12353 of 2021

M.Subramani

Trustee of M/s.Save Bhavani Trust (52/2016)

No.25, Extension 1st Street

Mettupalayam - 641 301

Coimbatore District.

.. Petitioner

Vs

- 1 The State Government of Tamil Nadu
Through its Chief Secretary
Government of Tamil Nadu
Fort St George
Chennai.
- 2 The Principal Secretary to Government
Municipal Administration and Water
Supply Department
Government of Tamil Nadu
6th Floor, Ezhilagam (Annexe Building)
Chepauk, Chennai - 600 005.
- 3 The Managing Director
Tami Nadu Water Supply and Drainage Board
31, Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 4 Central Water Commission
3rd floor South Sewabhavan
RK Puram Sector
New Delhi - 110 066.
- 5 The District Collector
Coimbatore - 18.
- 6 The Chief Engineer
Western Region, TWAD Board



21-H.K.G. Layout
Bharathi Park 8th cross
Coimbatore - 641011.

7 The Director
Ministry of Environment,
Forest and Climate Change
Indhra Parvya Bhavan
Jorbagh Road, New Delhi.

8 The Commissioner
Tirupur City Municipal Corporation
J S Garden, Tiruppur
Tamil Nadu - 641 606.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from implementing the proposed 4th water supply scheme for Tirupur which is implemented from Bhavani river bed at Mettupalayam.

For Petitioner : Mr.Babu Rangasamy
Associates

For Respondents : Mr.P.Muthukumar
Counsel for the State
for respondents 1 to 3, 5
and 6

Mr.R.Rajesh Vivekananthan
for respondents 4 and 7

Ms.P.Shanthi
for 8th respondent

ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

The petitioner seeks to restrain the implementation of a water supply scheme at Tiruppur on the basis that it would adversely impact other users of water from the Bhavani river.

2. The petitioner asserts that there are 17 drinking water schemes already under implementation in Mettupalayam, and that the present scheme called as "Amrut Scheme" has been hastily conceived. It is stated that if the impugned scheme is implemented, the river would run dry and thereby impact all the people who are dependent on the water from the Bhavani river.



The petitioner states that a representation of February 22, 2021 was carried to the respondents herein but that it has not elicited an appropriate response.

3. Mr.Muthukumar, learned counsel for the State, appears on behalf of respondents 1 to 3, 5 and 6 and submits that the third respondent would be the appropriate authority to consider and dispose of the petitioner's representation.

4. Conceptualisation and implementation of a water supply scheme is a matter squarely within the executive domain and, therefore, this Court cannot issue any positive direction restraining the implementation of such scheme.

5. Nonetheless, without going into the merits of the matter, the third respondent herein is directed to consider the representation dated February 22, 2021 of the petitioner and dispose of the same by a reasoned order after providing a reasonable opportunity to persons who would be affected thereby. Such reasoned order should be passed within a period of eight weeks from the date of receipt of a copy of this order.

W.P.No.12353 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.13122 of 2021 is closed.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Chief Secretary
State Government of Tamil Nadu
Government of Tamil Nadu
Fort St George
Chennai.
- 2 The Principal Secretary to Government
Municipal Administration and Water
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WEB COPY

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+1cc to the Government Pleader, S.R.No.29958

W.P.No.12353 of 2021

SR-II(CO)
CB(21/06/2021)