

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11547 of 2021

K.R.Natarajan

... Petitioner

-vs-

- 1.The Principal Secretary to Government,
Public Works (N-1) Department,
Secretariat,
Chennai.
- 2.The Chief Engineer,
Public Works Department,
(Water Resource Organization)
Trichy Region,
Trichy.
- 3.The Superintendent Engineer,
Public Works Department,
(Water Resource Organization)
Upper Cauvery River Basin,
Namakkal.
- 4.The District Collector,
Collectorate Buildings,
Namakkal.
- 5.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
Upper Cauvery River Basin,
Namakkal.

6.V.Palanisamy

7.E.Rajamanickam

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 01.02.2021 for removal of unauthorized construction made

in Cauvery river at Survey No.346, Molasi Village, Paramthivelur Taluk, Namakkal District by respondents 6 and 7 so as to enable the free flow of water in the Cauvery without any hindrance to the river.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.P.Muthukumar
Counsel for the State
of Tamil Nadu
(Respondent Nos.1 to 5)

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The writ petitioner complains of an unlawful construction by respondents 6 and 7 herein at S.No.346, Molasi Village, Paramthivelur Taluk, Namakkal District.

2. The writ petitioner asserts that the Cauvery river passes through S.No.346 and that the villagers depend on the groundwater originating from the Cauvery river. It is stated that respondents 6 and 7 have constructed a large building at S.No.346 without obtaining planning permission or building permission from the relevant authorities. In spite of issuing representations dated 29.01.2021 and 01.02.2021, no action has been taken thereon.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice for respondents 1 to 5 and submits that the writ petitioner's representation would be considered and disposed of within a reasonable time.

4. Accordingly, without examining the merits of the matter, the second respondent herein is directed to consider the representation dated 01.02.2021 of the writ petitioner and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to the writ petitioner and respondents 6 and 7. In view of the fact that the second respondent has been directed to provide a reasonable opportunity to the private respondents, the writ petition is being disposed of without notice to the said respondents.

5. W.P.No.11547 of 2021 is disposed of on the above terms.
There will be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Principal Secretary to Government,
Public Works (N-1) Department,
Secretariat,
Chennai.
- 2.The Chief Engineer,
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- 5.The Assistant Executive Engineer,
Public Works Department,
Water Resource Organization,
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Namakkal.

+1cc to the Government Pleader Sr.27365

W.P.No.11547 of 2021

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srg 06/07/2021