

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.20215 of 2020

N.Senthilkumar

.. Petitioner

Vs

- 1 The Secretary to Government
Government of Tamil Nadu
Public Works Department
Secretariat, Chennai - 600 009.
- 2 The Chief Engineer
Water Resources Organization/
Public Works Department
Chepauk, Chennai - 600 005.
- 3 The Superintending Engineer
Water Resources Organization
Bhavani Plan Formulation Circle
Erode - 11.
- 4 The Executive Engineer
Water Resources Organization
Lower-Bhavani Plan Formulation Circle
Erode.
- 5 The District Collector
Erode District
Erode.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Tender notification in No.10/2020-21, Pa.Va.Va/ERODE/ dated 13.11.2020 on the file of the 3rd respondent and quash the same in so far as the work in item No.5 is concerned; consequently direct the respondents to revise the Tender Notification after getting the views of the farmers as to the release of Water for irrigation.

For Petitioner

: Mr.R.Neelakandan

For Respondents

: Ms.R.J.Radhika
Government Advocate

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The matter pertains to the construction of a new irrigation project and the closure of the regular channel in such regard.

2. The grievance of the petitioner was recorded in an order of March 11, 2021. The petitioner apprehended that if the project was to be completed over a period of 24 months and the regular channel was shut down for two years, it would cause irreparable prejudice to the downstream agriculturists who have no other source of water.

3. It has now been clarified by the State and the respondent authorities that the regular channel will be shut down only for limited periods as indicated and not for the entire duration of 24 months, which is the time to be taken for completion of the irrigation project.

4. In the light of the stand taken by the State that the regular channel will not be shut down altogether for a continuous period of 24 months, the petitioner's apprehension has been allayed. The petitioner says that no further measures may be necessary if the official respondents adhere to the representation that the regular channel will not be shut down except for limited periods.

5. Accordingly, W.P.No.20215 of 2020 is disposed of on the basis of the State's representation that the regular channel serving the petitioner and other downstream agriculturists will not be shut down completely during the time taken for construction of the new irrigation project, but such regular channel may be shut for limited temporary periods when absolutely unavoidable.

There will be no order as to costs. Consequently, W.M.P.Nos.24989 and 24990 of 2020 are closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

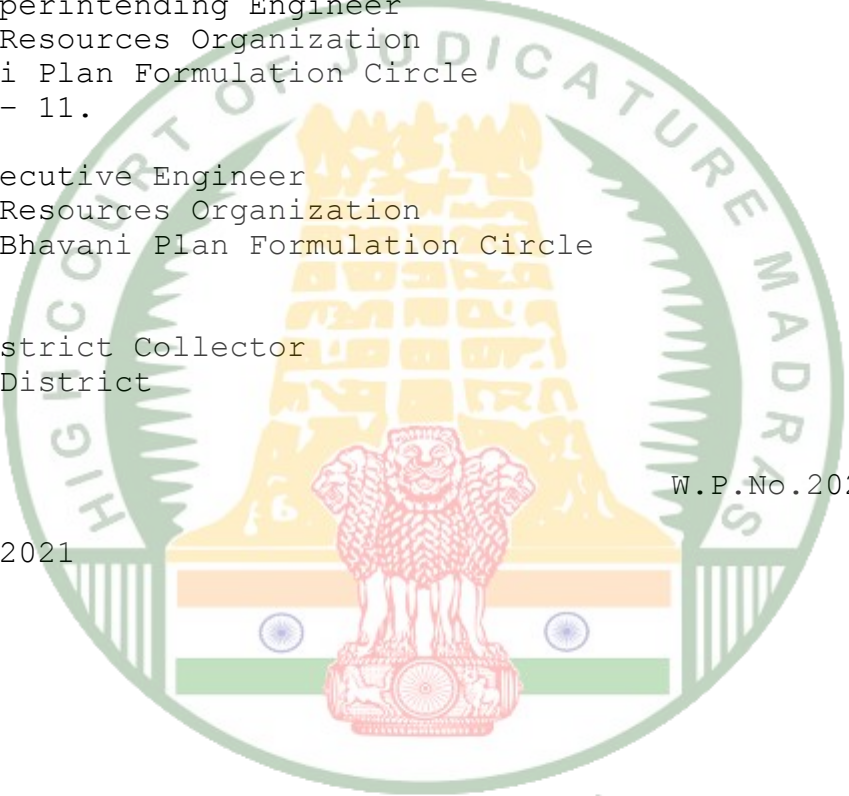
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To:

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UM(CO)
baf 07/05/2021

W.P.No.20215 of 2020



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