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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NOS. 26735 & 26737 OF 2019
&
WMP.NOS.26121 & 26123 OF 2019

M.Subramani

... Petitioner in W.P.No.26735 of 2019

C.Munusami

... Petitioner in W.P.No.26737 of 2019

Versus

1. The District Collector
O/o. the District Collector
Thiruvallur District
2. The Revenue Divisional Officer
O/o. the the Revenue Divisional Officer
Ponneri, Thiruvallur District
3. The Executive Engineer
Public Works Department - WRO
Arani River Basin Division
Ponneri, Thiruvallur District
4. The Junior Engineer
Public Works Department
Arani River Basin Division
Ponneri, Thiruvallur

.. Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to take appropriate action on the petitioners' representation dated 29.07.2019 and direct the Respondents



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herein to reduce the size of the lake to its original height and construct three channel shutters in the Karani lake.

For Petitioners : Mr.S.Kumara Devan
in both the writ petitions

For Respondents : Mr.G.Krishnaraja
Government Counsel
in both the writ petitions

COMMON ORDER

The relief sought for in these writ petitions is to issue a Writ of Mandamus directing the first respondent to take appropriate action on the petitioner's representation dated 29.07.2019 to reduce the size of the lake to its original height and construct three channel shutters in the Karani lake.

2. According to the petitioners, they are agricultural labourers and owns agriculture lands in Karanai Village. During 1972, an Artificial lake was formed in Survey No.74 situated commonly in Karanai and Nelvoy Village and the water stored thereof is being used by the petitioners and other people for agricultural purpose. The petitioners' lands are situated over the banks of the above said artificial lake and during the period between 2010 and 2011, the authorities increased the height of the lake upto 3 ¼ feet and the petitioners started to cultivate paddy in the said lands situated nearby the lake. In the year 2012, due to heavy water flow, all waters are retained and stored in the said lake and the storage of excess water entered into petitioners' lands, due to which, the crops cultivated by them were totally spoiled and become waste. Hence the petitioners demonstrated a peaceful protest before the office of the first respondent and gave a representation to him on 5.12.2012. Thereafter a Peace Committee Meeting was conducted by the second respondent in the presence of third and fourth respondents and all the affected landowners participated in the said peace meeting. During such meeting, the authorities assured that they will take appropriate action to stop the stagnation of water by constructing a boundary wall in the said lake and further assured that they will renovate all the water channels. Thereafter, as per the direction of the third respondent, the



Assistant Executive Engineer, Public Works Department, WRO, Arani River Basin Sub Division conducted a field inspection and forwarded his inspection report to the third respondent vide Letter No.Koo.08/U.Sea.Po.(Po)/2013/dated 19.11.2013 stating that due to storage of more water in the lake, cultivation is very much affected.

3. It is averred by the petitioners that a sum of Rs.19,00,000/- was allotted by the government to renovate the above said lake but nothing was done by the officials to prevent the flooding of excess water. Thus the petitioners along with other village people sent several representations to the respondents 1 and 2 on 10.8.2014, 16.06.2015, 08.07.2019 and 29.07.2019 to utilise the above said amount for reducing the height of the lake and construct three new channel shutters in the above said lake, but so far no action has been taken. It is the grievance of the petitioners that the authorities are now trying to construct new boundaries for the above said lake and in that event, the petitioner's patta land along with other agricultural lands present in the village will become unusable. Feeling aggrieved against such inaction, the present writ petitions are filed.

4. Heard the counsel for both sides and perused the materials available on record.

5. The grievance expressed by the petitioners in their representations has to be considered by the official respondents. However, it is stated that inspite of repeated representations no action has been taken. Therefore, having regard to the above facts and circumstances of the case and having regard to the submissions made, the respondents are directed to consider the petitioners' representation dated 29.07.2019 for reduction of the size of the lake to its original height and for constructing three channel shutters in Karanai lake so as to safe guard the interest of the farmers surrounded therein, on the basis of the recommendation letter by the third respondent on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



6. The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

msr/rsh

To

1. The District Collector
O/o. the District Collector
Thiruvallur District.
2. The Revenue Divisional Officer
O/o. the the Revenue Divisional Officer
Ponneri, Thiruvallur District
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Public Works Department - WRO
Arani River Basin Division
Ponneri, Thiruvallur District
4. The Junior Engineer
Public Works Department
Arani River Basin Division
Ponneri, Thiruvallur.

+2ccs to Mr.S.Kumara Devan, Advocate, S.R.Nos.49214, 49215

+1cc to the Government Pleader, S.R.No.49755

WP Nos.26735 & 26737/2019

GPL(CO)
RLP(22/10/2021)