



WEB COPY

W.P.(MD)No.478 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE  
AND

The Hon'ble Mr.JUSTICE M.M.SUNDRESH

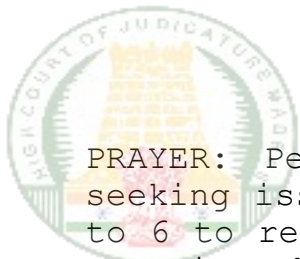
W.P.(MD) No.478 of 2021  
and W.M.P.(MD) No.410 of 2021

Chandrasekar

.. Petitioner

Vs

1. The State,  
Rep. by its Director/Commissioner,  
Tamilnadu Fisheries Department,  
Fort St. George, Chennai - 600 009.
2. The District Collector,  
Madurai District,  
Madurai.
3. The Assistant Director,  
Tamilnadu Fisheries Department,  
Madurai District,  
Madurai.
4. The Superintending Engineer,  
Public Works Department,  
Madurai District,  
Madurai.
5. The District Environmental Engineer,  
Pollution Control Board,  
Madurai District,  
SIDCO Industrial Estate,  
Kappalur,  
Thirumangalam,  
Madurai - 625 008.
6. The Superintendent of Police,  
Madurai District,  
Madurai.
7. Sholavandhan Inland Fishermen  
Cooperative Society FMD14  
Rep. by its Secretary,  
Mahamuni, Sholavandhan  
Madurai.



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus, to direct the respondents 1 to 6 to release the water after taking due steps to clean and after ensuring the usability of the water from the tank, namely, Samikulam situated in S.No.192 at Kodimangalam Village, Madurai District and also forbear the respondents 7 and 8 and their men or agents from doing any act of fish cultivation in Samikulam Tank by considering the representation of the petitioner dated 14.12.2020.

|                 |                                                                                                     |
|-----------------|-----------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.V.Karthikeyan for<br>M/s.E.Felix Parthiban                                                     |
| For Respondents | : Mr.K.P.Krishnadoss,<br>Special Government Pleader for<br>R1 to R4 and R6<br>Mr.C.Kasirajan for R5 |

**ORDER**

[Order of the Court was made by **M.M.SUNDRESH, J.**]

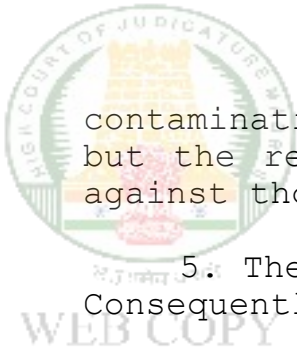
This Public Interest Litigation has been filed by the petitioner raising two concerns on behalf of the villagers, who are using the water from the waterbody for irrigating their lands:

- (i) The respondents 7 and 8, who are the lessees, are causing pollution to the waterbody, and
- (ii) Secondly, the outflow of water has been obstructed without permission from the official respondents.

2.Learned Special Government Pleader appearing for the official respondents submitted that there is no difficulty in making sure that the farmers are being provided with adequate water to irrigate their lands. As of now, there is no such obstruction, as alleged. On the question of pollution being caused by the respondent Nos.7 and 8, it is submitted that it is not factually correct.

3. Learned counsel for the Pollution Control Board/respondent No.5 submitted that samples have been taken and based upon the final report, consequential action would be taken.

4. In view of the submission made by learned Special Government Pleader, there is no difficulty in directing the official respondents to make sure that adequate water is released for the purpose of irrigating the lands. If the respondent Nos.7 and 8 obstruct the outflow of water, the official respondents shall take appropriate steps to prevent it, ensuring the flow of water to the farmers to irrigate their lands. Insofar as the alleged pollution is concerned, we direct the respondent No.5 to take appropriate action, based upon the inspection made already. If water



contamination or pollution is found, not only the respondent No.5, but the respondent Nos.3 and 4 shall also take appropriate action against those, who committed the same.

5. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RIT Act)

// True Copy //

/ /2021

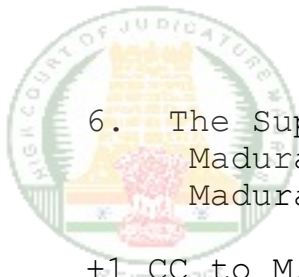
Sub Assistant Registrar(CS)

RR/OGY

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To:

1. The Director/Commissioner,  
Tamilnadu Fisheries Department,  
Fort St. George, Chennai - 600 009.
2. The District Collector,  
Madurai District,  
Madurai.
3. The Assistant Director,  
Tamilnadu Fisheries Department,  
Madurai District,  
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4. The Superintending Engineer,  
Public Works Department,  
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5. The District Environmental Engineer,  
Pollution Control Board,  
Madurai District,  
SIDCO Industrial Estate,  
Kappalur,  
Thirumangalam,  
Madurai - 625 008.



6. The Superintendent of Police,  
Madurai District,  
Madurai.

+1 CC to M/s.SGP ( SR-1136[F] dated 19/01/2021 )

+1 CC to M/s.C.KASIRAJAN, Advocate ( SR-1336[F] dated 20/01/2021 )

W.P. (MD) No.478 of 2021

18.01.2021

VR (CO)

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