



WEB COPY

W.P.(MD)No.2372 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

**W.P. (MD)No.2372 of 2021
and WMP(MD) No.1974 of 2021**

(Through Video Conferencing)

M.Selvakumar

: Petitioner

Vs.

1.The Secretary
Forest and Environment Department
St. George, Chennai.

2.The District Collector
Trichy District, Trichy.

3.The District Collector
Karur District, Karur.

4.The District Forest Officer,
No.142/2 Naval Adiyam Complex,
Dindigul Main Road,
Thanthoni Taluk, Karur District.

5.The Assistant Executive Engineer,
Public Works Department
Mayanur, Krishnarayarpuram Taluk
Karur District.

6.Kattalai Vaikkal Kadaimadai
Pasanathararkal Vivasayikal Sangam
Rep. by its President Ganesan

: Respondents

(R6 has been impleaded as per
the order of this Court dated 08.03.2021
in WMP(MD) No.2668/2021)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 2 to 5 to consider the petitioner e-mail representation dated 25.01.2021 and direct them to stop cut the trees in Drain Bank of Kattalaimettu Channel of Cauvery River from Mayanur, Karur District to Thayannur, Trichy District.



For Petitioner : Mr.S.Balaji
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

WEB COPY (Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner's grievance is with respect to the proposed action, which has already been initiated in cutting the trees, while facilitating a new project to irrigate vast extent of land.

2. In the counter affidavit filed by the respondent No.5, the following statement has been made:

"2... On implementation of this project, the efficiency of the canal system will increase from 40.23% to 60% and a gap of 4020 Acres will be bridged with a benefit cost ratio of 1.95. The farmers in the comman area will get equitable, reliable and flexible water distribution. In these reaches more than 17,200 tree exist, which are grown by PWD and Forest Department in PWD lands in the right and left bank and inner slope of the canal. For the implementation of canal lining, it is very much essential to remove 2,294 number of the trees existing only in the left side slope of the Kattalai high level canal and not the trees existing in the entire portion of the canal. If these trees are not removed the roots of the trees will penetrate inside the lining and it would damage the new lining, which will lead to seepage of water. To ensure equal water distribution to the tail end farmers it is very much essential to remove these trees. The main scope of the project is to reduce the water loss and increase the canal efficiency by providing concrete lining and thereby ensuring the equal water distribution up to tail end farmers.

3.I humbly state that to balance the eco system a provision for establishing the avenue trees and Arboriculture by planing 22940 number of trees and its maintenance for three years in Kattalai High Level canal irrigation system in Cauvery sanctioned estimate. This will be executed by Forest Department vide G.O.(Ms) No.207/Public Works (W1) Department/dated 22.11.2019.

4. I humbly state that it is not planned to remove the trees on both side of the canal bund, since there is no necessity to remove the trees in the retaining wall side which is to be executed in the right bank of the canal. It is planned to remove the trees existing, only in the inner slope of the left bank which are in hindrance to canal lining work.



5. I humbly state that it is proposed to remove the trees in the left bund inner slope portion of the canal up to a length of 47.00 km and not the trees in the outer slope of the left side bund and right side bund of the canal. The provision for new trees plantation also made in the estimate for balancing the eco system on the canal and maintenance of plants for three years by Forest department. The work of removal of trees in the inner slope of the left bank was commenced only after getting the proper approval from the sub collector, Kulithalai, vide proceedings No.3/96/2020 dated 10.06.2020, 3/96/2020 - 2/ dated 23.01.2021.

6. I humbly state that based on the petitioners representation on 25.01.2021, Sub Collector, Kulithalai conducted meeting regarding the petitioner's grievance on 03.02.2021 in sub collector chamber. A proper explanation was given to emphasizing the important of the project and necessity to remove the existing trees in the inner slope of the left side bund. Hence, the statement given by the petitioner that his grievances have not been considered is entirely wrong."

3. From the above, it is clear that not the entire standing trees are likely to be cut and the removal is required to give effect to the project, which will also develop eco system. Paragraph No.3 of the counter affidavit also says that another 22940 trees would be planted.

4. In view of the above stand taken, we find no reason to interfere with the project envisaged by allowing the writ petition. However, we would like to direct the respondents to have the adequate study with respect to the suitability of the trees to be planted, as the experience shows that wrong trees are planted very often and they are not maintained thereafter. After the plantation, periodical monitoring will have to be done towards the growth of the trees. We also make it clear that endeavour should be made to avoid cutting of trees as far as possible, while giving effect to the scheme.

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

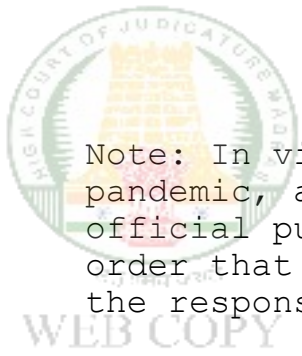
Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Secretary
Forest and Environment Department
St. George, Chennai.
- 2.The District Collector
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- 3.The District Collector
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- 5.The Assistant Executive Engineer,
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Karur District.

+1 CC to M/s.SPL GP (SR-9708[F] dated 09/03/2021)

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-10026[F] dated 10/03/2021)

Order made in
W.P. (MD)No.2372 of 2021
Dated: 08.03.2021

MJ(CO)
TR(22.03.2021) 4P 8C