



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.03.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.3066 of 2021

and

W.M.P (MD) Nos.2442 & 2443 of 2021

E.Pudukottai Varuvai Gramam Pathiyapatta
Ayakattu Vivasaiikal Sangam,
(Registration No.126/2019),
Rep. by its Secretary,
P.Chinnamani,
E.Pudukottai Village,
Periyakulam Taluk,
Theni District.

: Petitioner

Vs.

1.The District Collector
Theni District,
Theni.

2.The Assistant Director of Fisheries (Inland)
Theni,
Theni District.

3.The Executive Engineer,
Public Works Department,
Manchalar Vadikal Division,
Thenkarasi,
Periyakulam Taluk,
Theni District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents to consider the representation, dated 10.11.2020 and to take appropriate action as against the persons who are illegally breeding the fishes in the E.Pudukulam Tank and to Protect the tank free from pollution and remove the blockage of the sluice of the tank and maintain the same for irrigation of the agriculture land around the tank and for usage of the Village people who are depending upon water source of the above said tank.



For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader
For proposed impleading party : Mr.S.Bageerathan

ORDER

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

The petitioner is a Farmer Association. The grievance sought to be exposed is of two fold, namely, pollution is being caused by the unauthorised fishing by damaging the pond and by causing contamination with the dead chicken parts, in order to feed the fishes in the water bodies.

2.The learned counsel appearing for the petitioner produced photographs in support of his contention. It is further submitted by him that though officially fishing rights have not given, it is going on unauthorisedly, with the connivance of the officials at the lower level. Resultantly, the water is being contaminated both for drinking and for agricultural purpose.

3. Considering the said submissions, we direct the first respondent to conduct an enquiry after getting report from the third respondent, with respect to the condition of the pond and upon getting a further report from the District Environment Officer of the Tamil Nadu Pollution Control Board, Theni District and thereafter, appropriate action will have to be taken. The first respondent shall also give a personal hearing to the petitioner. The aforesaid action is expected to be completed within a period of eight weeks from the date of receipt of a copy of this order.

4.With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The District Collector
Theni District,
Theni.

2.The Assistant Director of Fisheries (Inland)
Theni,
Theni District.

3.The Executive Engineer,
Public Works Department,
Manchalar Vadikal Division,
Thenkarasi,
Periyakulam Taluk,
Theni District

Copy to

The District Environment Officer,
Tamil Nadu Pollution Control Board,
Theni District.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-14585[F] dated 30/03/2021)

+1 CC to M/s.SPL GP (SR-14838[F] dated 31/03/2021)

Order made in
W.P. (MD)No.3066 of 2021
Dated: 30.03.2021

KE (06.05.2021) 3P 7C