



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) .No.3224 of 2021

and

W.M.P (MD) No.2550 of 2021

WEB COPY

- 1.N.A.Selvapandi
- 2.V.Paneer Selvam
- 3.V.Karuppiah
- 4.S.Mariappan
- 5.P.Jothimani
- 6.B.Eswaran
- 7.R.Tirupathi
- 8.K.Paramasivam
- 9.K.Mari

.. Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Public Works Department,
Fort St.George, Chennai.
- 2.The District Collector,
Madurai District,
Madurai District.
- 3.The Superintending Engineer,
O/o.The Superintending Engineer,
Public Works Department,
Madurai District.
- 4.The Executive Engineer,
O/o.The Executive Engineer,
Public Works Department,
Madurai District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to forbear the respondents 1 to 4 from constructing the Check dam across the Goundan River in Thirali Village, Thirumangalam Taluk Madurai District, without conducting survey and studying the impact of the Checkdam in lower riparian villages.

For Petitioners
For Respondents

: Mr.T.Lajapathi Roy
: Mr.P.Subbaraj
Government Advocate



ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.,)

This writ petition is filed for the issuance of a Writ of Mandamus forbearing the respondents from constructing the Check dam across the Goundan River in Thirali Village, Thirumangalam Taluk, Madurai District, without conducting survey and studying the impact of the Check dam in lower riparian villages.

2.The petitioner's apprehension is that the lower riparian owner will be affected subject to the height that may be fixed for the construction of the Check dam.

3.Upon notice to the Executive Engineer, Public Works Department, Madurai, the fourth respondent has filed a counter affidavit, wherein, he has stated that a detailed survey has been conducted for constructing Thirali Check dam by Planning and Designs Wing and Administrative sanction has been accorded by the Government in G.O.(4D) No.59/Public Works (P1) Department, dated 06.07.2020. Pursuant to the same, a tender has already been called for and the lowest tender has already been approved by the Tender Award Committee. Further, he has stated that the work has already been commenced on 10.12.2020.

4.As the only grievance of the petitioner is that the Check dam construction was to commence without even a survey and that survey is now addressed. It is open to the petitioner to approach the second respondent, viz., the District Collector, Madurai, for any other grievance without stalling further progress of the construction of the Check dam.

5.In the light of the above, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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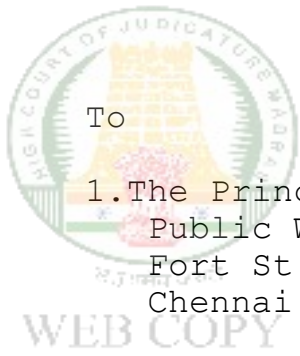
/ /2021

Sub Assistant Registrar(CS)

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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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Principal Secretary,
Public Works Department,
Fort St.George,
Chennai.
- 2.The District Collector,
Madurai District,
Madurai District.
- 3.The Superintending Engineer,
O/o.The Superintending Engineer,
Public Works Department,
Madurai District.
- 4.The Executive Engineer,
O/o.The Executive Engineer,
Public Works Department,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-33886[F]
dated 10/11/2021)

+1 CC to M/s.SPL.GP (SR-33787[F] dated 09/11/2021)

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and
W.M.P (MD) No.2550 of 2021
08.11.2021

TSK (CO)
GC/SKN(22.11.2021) 3P 7C