



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11450 of 2021

R.Thangaraja,
President,
Mass Education and Action for
Rural Development Society,
12-2-18A1, Venkateswara Bhavan,
Pandian Nagar,
Kariapatti - 626 106,
Virudhunagar District.

... Petitioner

Vs.

1.The Pr. Director (IS & IT Audit),
O/o. The Comptroller and Auditor General of India,
Pocket - 9, Deen Dayal Upadhyay Marg,
New Delhi - 110 124.

2.The Chief General Manager,
National Bank for Agriculture &
Rural Development (NABARD),
Tamil Nadu Regional Office,
48, Mahatma Gandhi Road,
Post Box No.6074,
Nungambakkam,
Chennai.

3.The Reserve Bank of India,
Fort Glacis, Rajaji Salai,
P.B.No.40, Chennai - 600 001.

4.The Chief Secretary to the Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai - 600 009.

5.The Secretary (PWD),
Secretariat,
Fort St.George,
Chennai - 600 0009.

6.The Chief Engineer Design Research
and Construction Support,
Chepauk,
Chennai - 5.



7.The Chief Engineer,
PWD, WRO,
Madurai Region,
Madurai.

8.The Superintendent of Engineer (W.R.O),
Vaippar Region Circle,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 7th respondent to consider the petitioner's representation dated 07.06.2021 for taking decision for Review of the Completion Report dated 31.03.2005 submitted by the 7th respondent of Nilaiyur Extention Irrigation Chennai to Kambikudi as per G.O.Ms.Nos.348 PWD (P1) Department dated 29.06.1999, the judgment of the Hon'ble Madras High Court in W.P.No.16127 of 2003 dated 28.03.2013 and in the light of the order No.DR & CS /W2/1696/2001 dated 28.02.2001 of the 6th respondent within a stipulated period of time.

For Petitioner : Mr.V.Muniasamy

For Respondent 1 : Mr.S.Jeyasingh

Central Government Standing Counsel

For Respondent 4 to 8 : Mr.Veerakathirvan

Senior Standing Counsel for Government

Assisted by Mr.A.K.Manickam,

Standing Counsel for Government

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.V.Muniasamy, learned Counsel appearing for the petitioner, Mr.S.Jeyasingh, learned Central Government Standing Counsel appearing for the first respondent and Mr.Veerakathirvan, learned Senior Standing Counsel for Government, assisted by Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondents 4 to 8.

3.The petitioner is the President of the NGO and has filed this writ petition styled as a Public Interest Litigation and seeks for reviewing the completion report submitted by the Public Works Department, carrying out certain works for development of irrigation channel. The learned Counsel for the petitioner is the Secretary of the NGO, who had filed earlier writ petition and appeared in person in W.P.[MD]No.11926 of 2012, which was dismissed on 07.09.2016. The



present writ petition is by the President of the very same NGO and represented by Mr.V.Muniasamy, learned Counsel who was the petitioner in W.P.[MD]No.11926 of 2012.

4.On going through the affidavit filed in support of this petition as well as the representation given, we find that substantial part of the representation is finding fault with the respondents in not paying the Advocate Commissioner fees and stating that the Court ought not to have disposed of the writ petition without taking note of the prayer for appointment of Advocate Commissioner. Unfortunately, we cannot issue any direction nor the Chief Engineer, can do anything as they have already given the information under the Right to Information Act to the learned Counsel Mr.V.Muniasamy, by reply dated 16.06.2021. Thus, on the given facts, no relief can be granted to the petitioner. However, if the claim made by the NGO is a genuine claim, then the representation should contain all technical and factual informations without complaining the Court or authorities in the earlier round of litigation. With such facts and technical details, we give liberty to the NGO to approach the concerned authorities by way of a fresh representation.

5.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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 Pr. Director (IS & IT Audit),
O/o. The Comptroller and Auditor General of India,
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2.The Chief Secretary to the Government of Tamilnadu,
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3.The Secretary (PWD),
Secretariat,
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4.The Chief Engineer Design Research
and Construction Support,
Chepauk,
Chennai - 5.

5.The Chief Engineer,
PWD, WRO,
Madurai Region,
Madurai.

6.The Superintendent of Engineer (W.R.O),
Vaippar Region Circle,
Virudhunagar.

+1 CC to M/s.S.JEYASINGH, Advocate (SR-21819[F] dated 09/07/2021)

+1 CC to M/s.SPL GP (SR-22315[F] dated 13/07/2021)

ORDER MADE IN
W.P. [MD]No.11450 of 2021
09.07.2021

MGJ(16.07.2021) 4P 9C