



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.(MD) No.13137 of 2021

and

W.M.P(MD)No.10152 of 2021

Gayathri

.. Petitioner

Vs

- 1.The Chief Secretary to Government,
Secretariat Office,
Chennai - 600009.
2. The Secretary to Government
Public Work Department,
Secretariat Office,
Chennai - 600009.
3. The Chief Engineer,
Water Resource Department,
Madurai - 2.
4. The Executive Engineer,
Sarukani River Basin Division
Public Work Department,
Sivagangai - 630 562.
5. The Assistant Executive Engineer,
Sarukani River Basin Division,
Public Work Department,
Manamadurai - 630 606.
6. The Assistant Engineer,
Irrigation Section - II,
Public Work Department,
Thiruppuvanam - 630 610.
7. The District Collector,
Collector Office,
Sivagangai - 630 562



8. The Revenue Divisional Officer,
R.D.O. Office,
Sivagangai - 630 561.

9. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District - 630 611.

10. D.Shanmugavel

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the concern official Respondents to remove the encroachment that the same was found in fourth respondent letter vide: Ka.No.Vapa/Val/Ko-56(Pothu)/2020, dated: 16.07.2020, and consequently Commence with complete the work under the scheme of **"NILAVALA NEERVALA PROJECT"** by the loan of world bank before the coming rainy season of 2021, in water body of Thiruppachethi South Kanmai (Pond), Thiruppuvanam Taluk, Sivagangai District Vide: Thokuppu. No.02/Ta.Na.Nee.Va.Ni.Va.Thittam/ Nee.Aa.thu. Upparu/Panikal/Pakuthi-II/2019-2020, based on the petitioner's representations dated: 11.07.2020 and on 30.04.2021, within a stipulated time.

For Petitioner : Mr.P.Ponraj

For Respondents 1 to 9 : Mr.R.Baskaran
Standing Counsel for Government

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the private respondent stands in the way of the implementation of a project for enrichment of the soil and water source under the scheme of "Nilavala Neervalu Project" financed with a loan obtained from the World Bank.

2.The petitioner says that despite the petitioner's representation, the official respondents have shown little interest to remove the tenth respondent, who has encroached in a part of the project land.

3.Mr.R.Baskaran, learned Standing Counsel for the Government, takes notice on behalf of the respondents Nos.1 to 9 and submits that the matter ought to be dealt with by either the fourth respondent-Executive Engineer or the fifth respondent-Assistant Executive Engineer.



4. Without going into the merits of the allegations levelled against the private respondent, the petitioner is permitted to carry a fresh, detailed representation to the fourth respondent within a fortnight from date, whereupon the fourth respondent should inquire into the matter and pass a reasoned order thereon after affording a reasonable opportunity of hearing to both the petitioner and others who may be affected by such order, including the private respondent herein. The speaking order of the fourth respondent should be made within ten weeks of the receipt of the petitioner's representation.

5. Since nothing is decided in this order and the fourth respondent has been directed to afford the private respondent an opportunity of hearing before taking a decision in the matter, the petition is disposed of without notice to the private respondent.

6. W.P.(MD) No.13137 of 2021 is disposed of. Consequently, W.M.P. (MD) No.10152 of 2021 is closed.

There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// 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 Chief Secretary to Government,
Secretariat Office,
Chennai - 600009.

2. The Secretary to Government
Public Work Department,
Secretariat Office,
Chennai - 600009.



3. The Chief Engineer,
Water Resource Department,
Madurai - 2.
4. The Executive Engineer,
Sarukani River Basin Division
Public Work Department,
Sivagangai - 630 562.
5. The Assistant Executive Engineer,
Sarukani River Basin Division,
Public Work Department,
Manamadurai - 630606.
6. The Assistant Engineer,
Irrigation Section - II,
Public Work Department,
Thiruppuvanam - 630610.
7. The District Collector,
Collector Office,
Sivagangai - 630562
8. The Revenue Divisional Officer,
R.D.O. Office,
Sivagangai - 630561.
9. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District - 630611

W.P. (MD) No.13137 of 2021
30.07.2021

RD(6.08.2021) 4P 10C