



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.07.2021

CORAM :

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

The HON'BLE MRS.JUSTICE S.ANANTHI
W.P.(MD) No.13057 of 2021

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T.Rathinavel

.. Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Public Works Department,
Fort St., George,
Chennai 600 009.

2.The Engineer in Chief (Water Resources Organisation) &
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai 600 005.

3.The District Collector,
Theni, Theni District.

4.The Superintending Engineer,
Water Resources Organisation,
Public Works Department,
Periyar Vaigai Basin,
Circle, Madurai 1.

5.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Planning & Design Division, Madurai

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the first respondent, to take necessary action for granting administrative sanction to implement the detailed plan report of laying proposed pipeline project from Kullappa Goundanpatti Stream to Ethakovil Tank submitted by the second respondent in his Letter in கடித எண் : எஸ் 7(2)/50425/உ.செவா. 4/2006 நாள் 25.02.2021 which was communicated to the petitioner by 4th respondent vide கடித எண் : 86எம்வா/கோ.198/2021/நாள் 05.05.2021 by considering the petitioner's representation dated 14.06.2021 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.Rajasekaran

For Respondents : Mr.R.Baskaran

Standing Counsel for Government

For R1 to R5



ORDER

[Order of the Court was delivered by

The Hon'ble Chief Justice]

The petitioner seeks to espouse the cause of the people in the Andipatti region of Theni, who, according to the petitioner, remain without any supply of water to carry out their agricultural activities for the better part of the year.

2.The petitioner narrates that upon a previous grievance carried to this Court by way of a public interest litigation, the appropriate authorities were directed to consider the plight of the farmers in and around Andipatti and devise a scheme to reach water to them.

3.According to the petitioner, pursuant to such order, a project report has been prepared by the second respondent for laying a proposed pipeline from Kullappa Goundenpatti stream to Ethakovil tank. The suggestion was made by the second respondent to the fourth respondent by a letter dated February 25, 2021. The petitioner claims that the cost of the project was indicated in the relevant letter to be about Rs.2.50 crore.

4.In a matter of the present kind, despite the petitioner's assertion that the proposal submitted by the second respondent is awaiting administrative sanction of the respondent No.5, several aspects have to be looked into before a project is implemented. The viability of the project, the cost benefit analysis, the availability of the resources, the period of time over which the project would yield benefit to any person and the like are some of the relevant considerations that the higher authorities in the executive have to make upon a project report being submitted. At the same time, the State must be alive to the needs of its citizens, particularly when the grievance is of not receiving water to irrigate fields for the better part of the year.

5.Accordingly, the fourth respondent Superintending Engineer of the Water Resources Organization should look into the recommendations of the second respondent and take an informed decision. If adequate funds may not be available for the project as recommended by the second respondent, any other suitable project that would reach water to the farmers around Andipatti and alleviate their problems of lack of water for irrigation facilities should be implemented. For such purpose, the fourth respondent is requested to undertake a site visit and interact with the farmers around Andipatti to expeditiously take a decision that may be for the greater good.

6.At any rate, the fourth respondent should communicate a speaking order in such regard to the petitioner within eight weeks of the receipt of a copy of this order.



7.W.P.(MD)No.13057 of 2021 is disposed of, without any order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (T & P)

/ /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 to Government,
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2.The Engineer in Chief (Water Resources Organisation) &
Chief Engineer (General),
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3.The District Collector,
Theni, Theni District.

4.The Superintending Engineer,
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Public Works Department,
Periyar Vaigai Basin,
Circle, Madurai 1.

5.The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Planning & Design Division, Madurai

+1CC to Special Government Pleader (SR24741)

W.P. (MD) No.13057 of 2021

29.07.2021

SAR (CO)

RS (06.08.2021) 3P-7C