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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) No.18381 of 2020

R.M.Anbunithi

: Petitioner

Vs.

1.The Principal Secretary to Government,
Public Works Department,
St. George Fort,
Chennai - 600 009.

2.The Chief Engineer,
Public Works Department,
Chepauk,
Chennai - 600 005.

3.The Chief Engineer,
Water Resources Department,
Chepauk, Chennai - 600 005.

4.The Principal Secretary to Government,
Rural Development and Panchayatraj,
St. George Fort,
Chennai - 600 009.

5.The Director,
Rural Development and Panchayatraj,
Chennai - 600 015.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to display the informations relating to the Kudimaramathu Pani carried in the water bodies located in all over Tamil Nadu including the informations of total extent of concerned water body and its supply channel and its survey numbers and total expenditure for carrying Kudimaramathu Pani to the concerned water body and direct the respondents to ensure that all the above informations are uploaded in the website of every District Administration of Tamil Nadu on the basis of the petitioner's representation dated 21.11.2020.

For Petitioner : Mr.N.Satheeshkumar

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader



ORDER

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

The petitioner has come forward to file this public interest litigation with a specific plea that the respondents are expected to display the information pertaining to the Kudikaramathu works carried out in the water bodies located in the State of Tamil Nadu, which would include the nature of water body, the work required to be done, the person who is doing the work, the progress being made and the completion. The cost of the project and the satisfactory requirement of the work will also have to be indicated. Having found the justification in the prayer of the petition, we directed the learned Special Government Pleader to get response from the respondents.

2. A counter affidavit has been filed by the fifth respondent, wherein, it has been stated that about 500 Crores has been allotted for the year 2019-20 under the Kudimaramathu scheme for Desilting of MI Tanks, Ponds and Ooranies through machineries from the State Government Funds. The object of the scheme is to protect and improve the water sources.

3. In paragraph nos.8, 9 & 10 of the affidavit, the following submission has been made:

"8.I submit that in respect of averments made in para 10 and 11 by the petitioner that directions were issued to all the District Collectors and other officials with regard to Installation of Information Boards in concerned water bodies vide Lr.No.35454/2019/MGNREGS 3.2, dated 20.08.2019 as below,

i. Citizen Information Board should be installed in brick work with civil structure in 3 x 4 feet with all necessary information at the work site.

ii. The civil works of MI Tank, Ponds & Ooranies which are taken up under MGNREGS funds, a separate Citizen Information Board (CIB) as per MGNREGS guidelines with 11 items of information has to be installed in 3 x 4 feet.

Accordingly, Citizen Information Boards have been put up in all the Kudimaramathu work sites. I further submit that a sample photographs of such Information Boards installed at the site is placed as Exhibit - 1. The CIBs provide all relevant information to the local public as desired by the petitioner. I also submit that the Rural Development and Panchayat Raj Department had used a separate Mobile Application, viz., RRWB App for effective monitoring and implementation of the Kudimaramathu Scheme beginning from the selection of works till completion. It also aided in viewing the status of works and also the inspection details of the concerned officials.



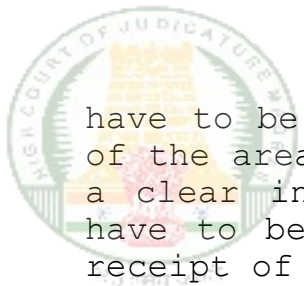
9. I also submit that the Rural Development and Panchayat Raj Department has created the separate online module in tnrd.gov.in to capture the complete data of the MI Tanks, Ponds & Ooranies. The online entries have been made regarding name of the water body, survey no, Area, Ayacut area, Water spread area at Full Tank Level (FTL), water spread area at Maximum Water Level (MWL), capacity of the water body, condition of inlet channels, sluices, weir, bathing ghat, ramp, Tank Bund Level (TBL) etc in respect of MI Tanks, Ponds and Ooranies. I further submit that these inventory details are used for official purpose for planning, design and execution of renovation of water bodies by the RD & PR Department.

10. I submit that in respect of averment made in para 12, the department has sent a reply to the representation of the petitioner dated 21.11.2020 vide letter no.53046/2020/MGNREGS 3.2, dated 22.12.2020."

4. Transparency is the foundational factor for a Government, while implementing any scheme in a fair and free manner. Such a transparency would prevent corruption and facilitate proper completion of the work. When the work is meant to be used for the public, they are entitled to know the nature of the work and the progress made thereunder. It will only help the official respondents in performing better. Therefore, the stand taken by the fifth respondent in paragraph no.9 cannot be countenanced. The learned Special Government Pleader has also submitted that the issue is at the Government level and it is likely to be considered favorably.

5. Considering the above and in the light of the discussion made, we direct the respondents to exhibit all the information in the website to facilitate any member of general public to use it, as against the Department alone. Once a work is allotted, there is no need for any secrecy, since the same is being done in an open and transparent manner. Therefore, there is no logic behind the said information being accessed by the Department alone. The nature of information, as indicated by us above, will have to be made available to the general public in the website, which they can have access to.

6. In such view of the matter, a direction is issued to the respondents to create a website or to facilitate the existing website by providing all information, which the fifth respondent is able to access, except confidential information in their own view, which will include communications between the person who undertakes the work and the Department. Therefore, all the information with respect to the nature of work, progress in the work, the person who is doing the work, the time required for completion along with the expenditure and the actual completion after the inspection will also



have to be indicated. The respondents shall also upload photographs of the area both before and after the commencement, which would give a clear indication of the work done. The aforesaid exercise will have to be done within a period of twelve weeks from the date of receipt of a copy of this order.

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7. With the above observations and directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary to Government,
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St. George Fort,
Chennai - 600 009.

2. The Chief Engineer,
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+1 CC to SPL GP (SR-4305[F] dated 10/02/2021)

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VB (22.02.2021) 4P 7C

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