



W.P.No.32371 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32371 of 2014

&

M.P.No.1 of 2014

1. S.A.Chinnasamy
- 2 M.R.Murugesan
- 3 N.Srinivasan
- 4 Periyannan
- 5 Madhappan
- 6 Govinda Chetty

... Petitioners

Vs.

1. Union Of India
The Ministry Of Water Sources Rep. By
Secretary New Delhi 1.
- 2 The Chief Engineer (south)
National Water Development Agency Mahatma
Gandhi Markfed Bhavan Door No.5-2-68 1st
Floor Hyderabad 500095.
- 3 The Executive Engineer
Investigation Department National Water
Development Agency No.504 Vth Floor
Vanavikas 18th Cross Malleshwaram



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Bengaluru 560003.

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4 The Superintending Engineer
Investigation Circle National Water
Development Agency Jambagh Putlibowli Post
Hyderabad 500095.

5 The Executive Engineer
Public Works Department (water Resource
Development) Chepauk Chennai 600 005.

6 The District Collector
Krishnagiri District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to drop the alternative link now of 6 K.M. Out of 55.70 K.M. In the intra state river link of Ponnaiaar (Krishnagiri)-Palaar region from Ramavaram East and pass through Mel Gimmandiyur West Madhaiyan Kottai East Nallapa Naickanur East Perumal Nagar East Gurumbarkotta West Sumangali Marriage Hall Tinku Mari Kotta East Arulmighu Kodala Nachiamman Temple Common ground Aan Karagam and Pen Karagam Kadappa Santhampatti Moongampatti Kalliyur Kollaikottai Poyar Kotta West Athikanur School West Marai Koundanur Via MGR Nagar East.

For Petitioners : Mr.G.Rajan

For Respondents : Mr.N.Ramesh, SPC for R1 to 4

Mrs.M.Jayanthi, AGP for R5 and 6



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ORDER

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Writ Petition has been filed seeking a direction to the respondents to drop the alternative link now of 6 K.M. Out of 55.70 K.M. In the intra state river link of Ponnaiaar (Krishnagiri)-Palaar region from Ramavaram East and pass through Mel Gimmandiyur West Madhaiyan Kottai East Nallapa Naickanur East Perumal Nagar East Gurumbarkotta West Sumangali Marriage Hall Tinku Mari Kotta East Arulmighu Kodala Nachiamman Temple Common ground Aan Karagam and Pen Karagam Kadappa Santhampatti Moongampatti Kalliyur Kollaikottai Poyar Kotta West Athikanur School West Marai Koundanur Via MGR Nagar East.

2. The case of the Writ Petitioners is that the petitioners has been associated with farmer and agriculturist movement in the State of Tamil Nadu for more than four decades. The National Water Development Agency (in short NWDA) has proposed intra state river link for the State of Tamil Nadu from Ponnaiaar (Krishnagiri) -Palaar river for transfer of 99 MCM of water annually available at Krishnagiri Dam as flod flow to the Kallar, a tributary of Palaar river in the adjacent basin through 55.7 km long canal by gravity during the month from October to December for 15 days at the rate



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of 5 days in each month. NWDA undertaken inspection and survey works and made a detailed feasibility study by deputing experts to the region. After the completion of inspection, survey and feasibility study it was proposed by the NWDA to form a tunnel of modified horse shoe section with a radius of 3.10 meter for a length of 200 meter at the off take from existing Krishnagiri reservoir across Ponnaiaar river. The link canal takes off from the exit of tunnel and run for a light of 55.70 kilo meter by gravity with an off take FSL of 480.00 M and outfall into Kallar river which is tributary of Palaaar river near Natrampalli section at Vaniyambadi Taluk at FSL 428.625 meter.

3. It is the case of the petitioners that if the proposed link of 6 kilometers is carried out it will result in displacement of people and would seriously hamper their right. According to them the project report submitted by the respondents 1 to 4 is not proper and hence Writ Petition has been filed.

4. Learned counsel appearing for the respondents 1 to 4 submitted that the respondents 1 to 4 has submitted the report after making a scientific study taking note of the feasibility. It is his contention that it is for the State



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Government to take appropriate action either to accept the project or to modify any other mode by taking view from the experts. Therefore, the Writ Petition itself is not maintainable.

5. Learned counsel appearing for the Government would submit that report has been studied in phased manner by the State Government and only after obtaining the experts report, they will complete it.

6. The petitioners grievances mainly with regard to the proposal sent by the respondents 1 to 4 who made the proposal based on the scientific method and study considering the feasibility. Merely on the apprehension of the writ petitioner the report cannot be cancelled in the Writ Petition.

7. It is only the experts in the filed are competent to find out the feasibility while constructing the channel or any other water body tanks etc. Therefore, on the mere apprehension, this Court cannot interfere for issuing a direction as sought for in the Writ Petition.

8. It is for the petitioners to make the representation to the State



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Government. It is for the State Government to consider the representation after taking note of the expert reports in this regard.

9. Therefore, with the above observation, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

26.10.2022

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Internet:Yes
Speaking/Non speaking order

To



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N. SATHISH KUMAR, J.



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