



WP.(MD)No.18686 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P.(MD)No.18686 of 2022

R.Vijayakumar

: Petitioner

Vs.

1.The Joint Chief Engineer,
O/o.Chief Engineer,
Water Resource Department (WRO)
PWD Compound,
Chepauk, Chennai.

2.The District Collector
Trichy District
Trichy.

3.The Assistant Engineer,
Public Works Department (M&M)
Subramaniyapuram
Pudukottai Road,
Trichy.

4.The Executive Engineer
Public Works Department
Water Resource Department (WRO)
Near District Court,
Cantonment, Trichy

: Respondents

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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 4th respondent in his impugned letter in NO.க.எண்149ம/வபி/கோ.வி.கு.தீ/2022 dated 15.07.2022 and quash the same as illegal and consequently direct the respondents to construct a check dam across the Uthamarseeli to Vengur Village at Vauvery tributary and check dam across the Killikudu to Idaiyattrumangalam Village in the Kollidam Tributary, by considering the petitioner's representation dated 29.06.2022.

For Petitioner	: Mr.G.Balumahendran
For Respondents	: Mr.A.K.Manikkam Government Pleader

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

The petitioner gave a representation for construction of a check dam across the Cauvery Tributary between Uthamarseeli and Vengur Village, in response to which, the Executive Engineer, Water Resource department, (4th respondent) has given a detailed reply dated 15.07.2022, challenging which, the present public interest litigation has been filed.

2.Today, Mr.R.Joel Sathish, Executive Engineer, WRD, Trichy and

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Mr.K.K.Arumugam, Junior Engineer, WRD (M&M), Trichy are present.

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3.The learned counsel for the petitioner contended that on account of illegal quarrying of sand in Cauvery, several bridges are caving in and therefore, in order to sustain them, a check dam should be constructed. However, in the impugned communication dated 15.07.2022, the fourth respondent has stated that the area in question is a safe zone and at present, there is a channel for irrigation and the Grant Anaicut constructed by Karikalan has hardly 800 meters away from the place, where the petitioner wants the construction of a check dam. That apart, the learned Government Pleader drew our attention to G.O.Ms.No.155, Public Works (R1) Department dated 28.10.2021, wherein, the Government has given certain guidelines, which, the authorities have to follow.

4. We carefully perused the impugned communication dated 15.07.2022, wherein the fourth respondent has given technical reasons to justify that it would not be feasible for the construction of a check dam as prayed for by the petitioner. In our opinion, this Court cannot interfere

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into such policy decision and direct the authorities to construct a check dam in a public interest litigation, as that would be amounting to usurping the powers of the executive.

5. In the result, this writ petition is dismissed. No costs.

[P.N.P., J.] & [R.H., J.]
18.08.2022

Internet : Yes

RR

To

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P.N.PRAKASH, J
AND
R.HEMALATHA, J
RR

Order made in
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