



W.P.No.24758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.24758 of 2023

A.Ravi

... Petitioner

Vs.

1.The District Collector,
Office of Collector,
Cuddalore District.

2.Assistant Executive Engineer,
Public Works Department (W.R.D),
South Vellaru Vadinila Kottam,
Cuddalore District.

3.Assistant Director,
Geology & Mining Department,
Cuddalore District.

4.The Tahsildar,
Office of Tahsildar,
Cuddalore District.

5.Executive Engineer,
Public Works Department (W.R.D),
Mining & Supervision Division,
Villupuram District.



W.P.No.24758 of 2023

6.Gnana Murugan

7.S.Kumar Raja

8.K.Narasimman

9.K.Sankar

10.S.Perumal

11.P.Vinodhan

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 5 construct river bund at the Kedilam river to avoid soil erosion during the rainy seasons by considering the representation of the petitioner herein dated 23.06.2023 within a reasonable time as fixed by this Court.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P.No.24758 of 2023

2.The petitioner has made a representation to the first respondent to strengthen the banks of Kedilam river, and seeks a direction of this Court to that effect. The petitioner further alleges that respondents 6 to 11 have damaged the embankment of the said river.

3.Mr.C.Kathiravan, the learned Special Government Pleader takes notice for respondents 1 to 5.

4.The learned Special Government Pleader, on instruction, submitted that the petitioner's representation will be considered both in terms of strengthening the banks of the said river, and in terms of taking action if it is found that respondents 6 to 11 have caused any damages to the same. He also submitted that strengthening the embankment will involve a financial outlay and a decision will be made based on a policy decision of the District Administration, taking into account the other priorities.



W.P.No.24758 of 2023

5.The statement of the learned Special Government Pleader is hereby recorded.

6.1 This Court now requires the first respondent to consider the case of the petitioner to preserve the river and the environment, and also requires him to consider giving it some degree of priority, if deemed necessary. In the meantime, he is also required to take action against anyone, not necessarily respondents 6 to 11, who are is found to have damaged the banks of the river.

6.2 The first respondent is also required to personally hold an enquiry or delegate it to another competent authority. In relation to the allegation of damage, a probe may be launched and action is directed to be taken. Before making any final decision, the enquiry authority is required to hear all those who are likely to be affected by his decision.

7.This writ petition is disposed of with the above directions. No Costs.



W.P.No.24758 of 2023

23.08.2023

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Index : Yes / No

Neutral citation : yes/no

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N.SESHASAYEE, J.

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W.P.No.24758 of 2023

W.P.No.24758 of 2023

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