



WP No.31028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.31028 of 2023
and WMP No.30674 of 2023

K.N.Balasubramaniam

.. Petitioner

-VS-

1. The District Collector,
Erode District, Erode.

2. The Assistant Director,
Village Panchayats,
Collectorate, Erode.

3. The Block Development Officer,
Ammapet Panchayat Union,
Anthiyur Taluk, Erode District.

4. The Civil Engineer,
Office of the Ammapet Panchayat Union,
Anthiyur Taluk, Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to reconstruct and restore the barrier/wall/embankment of the dam situated across the Chithar River in Survey no.283/2, Kurichi Village,



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Bhavani Taluk, Erode District which was breached by respondents 2 to 4.

For the Petitioner : Mr.C.Munusamy

For the Respondents : Mr.T.K.Saravanan
Govt. Advocate

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Munusamy, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for respondent Nos.1, 2 and 4 and Mr.Stalin Abhimanyu, learned counsel for respondent No.3.

2. The learned counsel for the petitioner submits that the respondents have broken the embankment of the dam situated across Chithar river in S.No.283/2 because of which the villagers are not in a position to cultivate their crops.



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3. The status report is filed by the third respondent. It is submitted that in Erode District, Bhavani Taluk, Kurichi Village, there are two hamlets namely, Kondayan Kottai and Nathamedu. Chittar stream flows between these two villages. From Kondaiyankottai colony many children are studying in Panchayat Union Middle School at Nathamedu. To reach the school, the children have to cross the Chittar stream on daily basis. Hence, the children have to take an alternate route to reach the school which is 8 km. away. The students were facing great difficulty and in rainy season, it is unsafe for the children to cross the stream. Hence, there was a continuous public demand for construction of the bridge. The spot inspection was conducted and thereafter, it was decided to break a small portion of the check dam embankment to drain the water temporarily to facilitate the construction of the high level bridge. It is further submitted that the entire work process of construction of high level bridge will be over on or before 31.01.2024 and the broken portion of the embankment will be re-constructed on or before 15.02.2024 and for that purpose, funds are also allocated. We accept the said statement as an undertaking to the Court.



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In view of the said statement, the writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra

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