



WP No.34155 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.A.Krishnan

2.B.Gangadharan

3.D.Sudarsan

4.M.Ramakrishnan

: Petitioner

Vs

1.The Government of Tamil Nadu,
Rep by its chief Engineer
Public works Department
Water Resources organisation
Chepauk, Chennai 600 005

2.The District collector
Cheyyar-Kanchipuram Road, Gandhi Nagar,
Thaiyar kullam, Kanchipuram

3.The Directorate of Town Panchayat
Rep. by its Director
Kuralagam, Chennai 600 108

4.The Executive Engineer
Public Works Department
Water Resources Organisation
Lower Palar Basin Division
Kancheepuram District



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5.The Madambakkam Town Panchayat
Rep by its Executive Officer
No.7, South Mada Street
Madambakkam, Chennai 600126

6.The Chittlapakkam Town Panchayat
Rep by its Executive Officer
No.22, 2nd Main Road, Chittlapakkam
Chennai 600064

7.Ravi Associates
Rep. by its Proprietor

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare that the project for extraction of water from Madambakkam Lake for supply of water is illegal contrary to conditions laid down in the NOC bearing Lr.No.E.Va.a3/ Ko.30(NOC) / 2018 dt.12.7.2018 issued by the 4th respondent for putting wells within lake area and would starve the residents and agriculturalist of 5th respondent panchayat for drinking and irrigation purpose to the 6th respondent and the same being violative of Art.14 and 21 of the constitution of India and for a permanent injunction restraining the respondents from extracting / utilising water from the Madambakkam Lake and supply it to 6th respondent panchayat which has lake of their own.

For the Petitioner : Mr.V.Govardhanan

For Respondents 1 to 4 : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.T.K.Saravanan

No appearance for respondents 5 to 7

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Govardhanan, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, for



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respondents 1 to 4.

2. The grievance of the petitioners is that the subject lake is situated within the limits of Madambakkam Town Panchayat. However, water from the said lake is transported for the benefit of the villagers of Chitalapakkam Town Panchayat. The primary needs of the villagers in Madambakkam Town Panchayat have to be addressed first. The available water from Madambakkam lake is not sufficient to meet the needs of the villagers of Madambakkam Town Panchayat. As such, extracting water for the benefit of villagers of Chittlapakkam Town Panchayat is erroneous, illegal and not in conformity with the letter and spirit of the Government order dated 12.07.2018.

3. Mr.P.Muthukumar, State Government Pleader, submits that now Madambakkam Town Panchayat is within the Tambaram Municipal Corporation Limits. It is within the larger urban area. The fourth respondent has issued 'no objection' for extracting water. The Executive Engineer, Public Works Department is the competent authority to take a decision as to the supply of water.

4. The scenario would change every year. If it is a drought year, then certainly, water in the said lake will not be sufficient for the villagers of that vicinity. If it results in excessive rain, then, water from the subject lake can be supplied to



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areas where it is needed. The same has to be regulated by the authority. It is submitted by the learned Government Pleader that the Executive Engineer is the authority to take a decision in that regard. At this stage, a blanket order cannot be passed as to the manner of distribution of water, as the scenario would change every year. The writ petition was filed five years back. The present day position will also have to be considered. The same is not on record.

5. If, according to the present day situation, water in the Madambakkam lake is not sufficient to cater to the needs of the residents of the locality therein, then, the petitioners or interested person can make an application to the authority concerned, which application would be decided on its own merits. The area is stated to be under the Corporation limits. The Corporation can also take stock of the situation and consider the grievances of the petitioners on its own merits.

6. The writ petition stands disposed of with the above observation. There will be no order as to costs. Consequently, WMP No.39686 of 2018 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No



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