



W.P.(MD) No.11730 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.11730 of 2023
and
W.M.P.(MD) No.8303 of 2022**

K.Mani

... Petitioner

-VS-

1. The District Collector,
Madurai District.
2. The Superintendent Engineer,
(PWD, WRO),
Periyar Vaigai Basin Canal (Circle),
Thallakulam, Madurai District.
3. The Executive Engineer
(PWD, WRO),
Periyar Main Canal (Division),
Melur Taluk, Madurai District.
4. The Block Development Officer,
Melur Taluk, Madurai District.
5. The Executive Authority of
Kallampatti Village Panchayat,



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Melur Taluk, Madurai District.
(R5 is *Suo Motu* Impleaded vide
Court Order dated 20.06.2023
in W.P.(MD).No.11730/2022.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to stop polluting the canal and directing the 2nd and 3rd respondents to make a proper canal maintenance and also repair the damages of the canal promptly (Navaneri Kamma Basin Canal, S.Kallampatti, Melur taluk, Madurai District) as per the Tamil Nadu Government building construction standard within the time framed by this Hon'ble court.

For Petitioner : Mr.K.Mani (Party-in-person)

For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R3
Mr.S.R.A.Ramachandran
Additional Government Pleader for R4

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 3 and Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the fourth respondent.



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2. The prayer in the writ petition reads as follows:-

“To issue a Writ of Mandamus directing directing the 4th respondent to stop polluting the canal and directing the 2nd and 3rd respondents to make a proper canal maintenance and also repair the damages of the canal promptly (Navaneri Kamma Basin Canal, S.Kallampatti, Melur taluk, Madurai District) as per the Tamil Nadu Government building construction standard within the time framed by this Hon'ble court.”

3. Pursuant to the earlier directions issued by this Court, the Superintendent Engineer, PWD, WRD, Periyar Vaigai Basin, had filed a status report on 28.06.2022, wherein, he had clearly admitted that the Kallampatti Village Panchayat had constructed a drainage channels on both sides of the village road and had directly connected with the irrigation channel in question. It is also stated that because of such letting in a drainage water, the channel got polluted up to the length of 100 meters from the road culvert near Kallampatti Village Panchayat area. Alarmed by the report, we have directed the District Collector, Madurai, to ensure that the mixing of drainage water in the irrigation channel is stopped forthwith. We have directed the District



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Collector to ensure that the drainage channels were blocked within 24 hours.

Pursuant to our directions, the District Collector, Madurai, has filed a report stating that the work for construction of vertical soak pit is in progress and the sewage or drainage water is entirely stopped from mixing from the channel.

4. Considering the said report, the writ petition is disposed of. Since the Executive Engineer, WRD, PWD, has filed the report stating that the channel has been polluted to the extent of 100 meters, we impose the costs of Rs.1,00,000/- (Rupees One Lakh only) to be paid by the Government to the Chief Justice's Relief Fund. The Government will be at liberty to recover the said costs from the persons who were responsible for construction of drainage channel and connecting it to the irrigation channel. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.06.2023

NCC : Yes/No
Index : Yes/ No
Internet : Yes/No
PKN



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and
L.VICTORIA GOWRI, J.

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