



W.P(MD)No.12891 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date of Reservation	09.08.2023
Date of Pronouncement	21.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.12891 of 2023

Er.S.R.Rengan

: Petitioner

Vs.

1.The Executive Engineer,
Water Resources Department,
Periyar Dam Special Division,
Cumbum, Theni District.

2.The District Collector,
O/o. The District Collector,
Theni, Theni District.

3.The Superintendent of Police,
Theni, Theni District.

4.Union of India,
Represented by its Secretary,
Ministry of Jal Sakthi,
Department of Water Resources,
River Development and Ganga Rejuvenation (DoWR, RD & GR),
E-Governance Cell, 6th Floor Cabin,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110 001.

5.The Engineer-in-Chief and Chief Engineer (General),
Dam Safety Organisation,
Water Resources Department,
Chepauk, Chennai-600 005.

: Respondents



W.P(MD)No.12891 of 2023

[R4 and R5 are impleaded vide order dated 09.08.2023
in W.M.P.(MD)No.15927 of 2023]

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Prayer:

Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate actions to implement clause 7 of 1886 agreement of Mullai Periyar Dam, which is declared as valid by the Hon'ble Supreme Court of India in W.P(Civil)No.386 of 2001 dated 27.02.2006 and O.S.No. 3 of 2006 dated 07.05.2014 in order to reach the Mullai Periyar Dam via Vallakadavu Land route and strengthen the same, within the time frame stipulated by this Court.

For Petitioner	: Mr.Aswin Rajasimman for M/s.Lajapathi Roy & Associates
For R1 & R2	: Mr.P.Thilak Kumar Government Pleader
For R3	: Mr.M.Veeranthiran Government Advocate
For R4 & R5	: Mr.K.Govindarajan Deputy Solicitor General of India

ORDER

D.BHARATHA CHAKRAVARTHY, J.

This Public Interest Litigation is filed by one Engineer ER.S.R.Rengan, Secretary of the Tamil Nadu PWD Senior Engineers Association, Madurai Branch with a prayer to direct the respondents 1



W.P(MD)No.12891 of 2023

to 3 namely, the Executive Engineer, Water Resources Department, Periyar Dam Special Division, Cumbum, Theni District, the District Collector, Theni and the Superintendent of Police, Theni to implement Clause 7 of 1886 agreement of Mullai Periyar Dam so as to reach the Mullai Periyar Dam via Vallakadavu Land route and to strengthen the same.

2. It can be seen that the prayer of the petitioner squarely falls within the inter-state dispute of the State of Tamil Nadu and the State of Kerala and the petitioner himself has rightly referred to the Judgment of the Hon'ble Supreme Court of India in **O.S.No.3 of 2006, dated 07.05.2014** reported in **(2014) 4 MLJ 177 (SC)**. The above inter-state dispute has been dealt with specifically by the Hon'ble Supreme Court of India in exercise of its powers under Article 131 of the Constitution of India and as such, this Court cannot entertain the public interest litigation in respect of the said subject matter. This apart every aspect of the safety of the dam and access etc., in respect of the dam has been taken care of by the aforesaid judgment and a Supervisory Committee has also been formed by the Hon'ble Supreme Court of India to periodically give instructions to both the States.



W.P(MD)No.12891 of 2023

3. In that view of the matter, this public interest litigation is bound to fail and as such this writ petition is dismissed. However, there will be no order as to costs.

[S.S.S.R., J.] [D.B.C., J.]

21.08.2023

NCC : Yes / No
Index:Yes/No
Internet:Yes/No
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To:

- 1.The Executive Engineer,
Water Resources Department,
Periyar Dam Special Division,
Cumbum, Theni District.
- 2.The District Collector,
O/o. The District Collector,
Theni, Theni District.
- 3.The Superintendent of Police,
Theni, Theni District.



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W.P(MD)No.12891 of 2023



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W.P(MD)No.12891 of 2023

S.S.SUNDAR, J.
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Pre-Delivery Order made in
W.P.(MD)No.12891 of 2023

21.08.2023