



WEB COPY



W.P.No.9079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HON'BLE Mr.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.9079 of 2023

Meenava Thanthai K.R.Selvaraj Kumar
Meenavar Nala Sangam
Rep. by its President
M.R.Thiyagarajan
Having office at No.48, East Mathakoil Street
Royapuram, Chennai 600 013

.. Petitioner

Vs.

1.The Chief Secretary of Tamil Nadu
Secretariat, Chennai 600 009

2.The State of Tamil Nadu
Rep. by its Secretary to Government
Public Works Department
Fort St. George, Chennai 600 009

3.The State of Tamil Nadu
Rep. by its Secretary to Government
Water Resources Department
Fort St. George, Chennai 600 009

4.Engineer in Chief (Water Resources Organisation)
and Chief Engineer (General)
Public Works Department
Chepauk, Chennai 600 005



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5.Chennai Metropolitan Water Supply and Sewerage Board
Rep. by its Managing Director
No.1, Pumping Station Road
Chintadripet, Chennai 600 031

6.The District Collector
Chennai District
District Collectorate Office
No.62, Rajaji Salai, 4th Floor
Chennai 600 001

7.Greater Chennai Corporation
Rep. by its Commissioner
Ripon Building
Chennai 600 003
Respondents

..

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to take appropriate action for awarding the works approved under G.O.(Ms) No.82, Water Resources (I.spl-2) Department, dated 13.09.2022, without following the Tamil Nadu Transparency in Tenders Act, 1998 and Rules 2000 and to take action on the errant officials and to ensure works approved under G.O.(Ms) No.82, Water Resources (I.spl-2) Department, dated 13.09.2022 is done in compliance with the rules and regulations.

For Petitioner	Mr.Vijaya Meganathan for Mr.A.Anilan
For RR 1 to 4 & 6	Mr. A. Edwin Prabakar State Government Pleader
For R5	Mr.Krishna Ravindran Standing Counsel
For R7	Mr.N.R.Ramesh Kanna Standing Counsel



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ORDER

(Made by the Hon'ble Acting Chief Justice)

The grievance of the petitioner is that G.O.(Ms) No.82, Water Resources (I.spl-2) Department dated 13.09.2022 was issued without following the Tamil Nadu Transparency in Tenders Act, 1998 and the Rules made thereunder and hence, he filed this writ petition seeking a direction to the respondents to take action against the errant officials, who failed to strictly comply with the rules and regulations.

2. Heard both sides and perused the materials placed on record.

3. The learned State Government Pleader appearing for the respondents 1 to 4 and 6 filed a counter affidavit, wherein, at paragraph 6, it is stated as under :

"6.It is submitted that all the premonsoon works were completed as per the time frame and the payments were already made to the Contractors since the agreement period was up to December 2022. The works were commenced in the end of the month of September 2022 which was also published in most of the daily papers in English and local vernacular language i.e., Tamil. But, the petitioner has not lodged any complaint before the respondents herein and filed this writ petition after two months of project completion and six months after commencement of the



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work. The premonsoon works were completed in Chennai Urban under the supervision of top most officials of this State and handled the monsoon effectively. None of the Media and Public had complained that the premonsoon works were not yet commenced except this petitioner. The petitioner filed this writ petition with ulterior motive and alleged this Department without any valid reasons."

4. Similarly, the 7th respondent has also filed a status report dated 30.11.2023, wherein, it has been stated as follows :

"5.I submit that in the restoration of water bodies, the pond/Lake is widened and deepened for increased storage of water. Further due to the restoration of water bodies stagnation of rainwater is avoided in the surrounding areas. Ground water level increases in the neighbourhood areas due to restoration of water bodies. The sewage connection are plugged during the restoration of water bodies.

6.I respectfully submit that, as per Solid Waste Management Bye-Laws, 2019, Greater Chennai Corporation has fixed the fine charges for illegal dumping of garbage in water bodies/canals as Rs.500 and illegal dumping of construction and demolition waste in water bodies as Rs.2,000/- (up to 1 MT) and as Rs.5,000/- (for more than 1 MT). Based on the above, a circular has been sent to all Zones.

7.I respectfully submit that penalties for violation of bye-laws shall be levied in accordance with the Solid Waste Mangement Bye-Laws 2019 and is implemented in all Zones. Fines are being levied on those who dump garbage and construction and demolition waste illegally on the water courses and water bodies."

5. No doubt, the petitioner has raised various issues with regard to the failure on the part of the Government officials in following the Tamil Nadu Transparency in Tenders Act and the Rules made thereunder. We



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leave it open to the Government authorities to take necessary action by verifying the documents and records connected to the tender in issue and proceed in the manner known to law, if any lapses surface.

6. Inasmuch as the project in question has been completed, by recording the said factum, this writ petition stands closed with the above observation. No costs.

(R.M.D., ACJ.)

(M.S.Q., J.)
09.07.2024

Index : Yes/No
Neutral Citation :Yes/No

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MOHAMMED SHAFFIQ,J.

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To

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