



W.P.No.11437 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.08.2024

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.11437 of 2020
and W.M.P.No.13951 of 2020

M/s.S & S Foundation Pvt. Ltd,
Rep by its Chairman Mr.K.Sundararaj,
No.45, Giriappa Road,
T.Nagar, Chennai 17

.. Petitioner

Vs.

1. The District Collector,
Tiruvallur District.
2. The Tahsildar,
Uthukottai Taluk,
Tiruvallur District.
3. The Chief Enginner (O&M),
Public Works Department (WRD),
Chepauk, Chennai -5.
4. The Executive Engineer,
Kosathalaiyar Basin Division(WRD),
Tiruvallur Division, Tiruvallur.
5. The Panchayat Union Commissioner,
Ellapuram Panchayat Union, Ellapuram,



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Uthukottai Taluk, Tiruvallur District.

6. The Block Development Officer (V/P),
Ellapuram Panchayat Union, Ellapuram,
Uthukottai Taluk, Tiruvallur District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant necessary permission to the petitioner to complete the work of desilting and restoration of surplus water channel at S.No.39, situated in Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District for free flow of the excess water to Kosthalaiyar River.

* * *

For Petitioner : Mr.P.G.Padmanabhan
for Mr.R.V.Lakshmipathy

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This Writ Petition has been filed seeking to issue a writ of mandamus directing the respondents to grant necessary permission to the petitioner to complete the work of de-silting and restore the surplus water channel at S.No.39, situated in Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District for free flow of excess water to



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Kosathalaiyar River.

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2. It is the case of the petitioner that there is a big lake comprised in S.No.133 and a pond in S.No.117, situated in Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District. During the monsoon season, rainfall flows the surplus water draining from the said lake and pond across 300 acres of agricultural lands and reaches the channel comprised in S.Nos.32, 33, 34, and 39 in Alinjivakkam Village which runs from North to South and reaches to Kosathalaiyar River. The said channel has existed since time immemorial as per the revenue records. While the excess water flowing to the said Kosathalaiyar river, there is a check dam point situated at S.No.39 in Alinjivakkam Village. Due to poor maintenance and encroachments, the rain water did not flow freely and reach the river. As a result, the excess water logged in and around the channel, leading to inundation and causing damage to paddy crops and other agricultural activities. Therefore, the petitioner submitted a representation to take appropriate action for de-silting the said water channel.



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3. It is the further case of the petitioner that the 5th respondent herein, after conducting an inspection, submitted a report estimating the cost to restore the channel for the free flow of surplus water without any hindrance at Rs.15,00,000/- . Due to the same, the petitioner voluntarily came forward to contribute the entire fund of Rs.15,00,000/- for de-silting, renovation and restoration of the said channel in S.Nos.32, 33, 34 and 39 to its original shape and size. Subsequently, following the orders issued by the 1st respondent granting permission to carry out the work, the 4th respondent directed the petitioner to hand over the Demand Draft for a sum of Rs.15,00,000/- in his favour vide order 17.02.2015. The petitioner submitted a representation dated 05.03.2015 along with the demand draft to the tune of Rs.15,00,000/-. The respondents had entrusted the said work to one M/s. MIY Constructions, Mylapore, vide his letter dated 06.03.2015 by floating a tender. They had started the work of



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de-silting the channel but failed to complete it up to the Kosathaliayur River. Therefore, the petitioner approached this Court by filing W.P.No.32986 of 2018 to take action for the removal of encroachments in the water bodies and this Court subsequently disposed of with a direction to remove the encroachments. In the year 2019, the first respondent called for volunteers to carry out de-silting work for water bodies such as ponds, tanks and lake etc., situated in various villages in Tiruvallur District. Once again, the petitioner submitted a representation to the first respondent. Considering the same, the first respondent permitted the petitioner to carryout the work to develop and consolidate the lake bund comprised in S.No.133, situated in Alinjivakkam Village at the cost of Rs.30,00,000/- which was also contributed by the petitioner. Thereafter, the work was successfully completed. However, due to incomplete de-silting work in the channel, the surplus water could not reach the said river. Despite repeated representations made by the petitioner, the respondents have not considered the same.



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4. Heard the learned counsels on both sides and perused the materials available on record.

5. Considering the above submissions, the first respondent is directed to consider the request made by the petitioner and pass appropriate orders to complete the work of de-silting and restoration of surplus water channel at S.No.39, situated in Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District for the free flow of excess water to Kosthalaiyar River, within a period of 4 weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes
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