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W.P.(MD) No.8322 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.8322 of 2018

N.M.S.Ahamed

... Petitioner

-VS-

- 1.The Commissioner
Municipal Administration
Chennai-600 005
- 2.The District Collector
Tirunelveli District
Tirunelveli
- 3.Kadayanallur Municipality
rep.by its Commissioner
Kadayanallur
Tirunelveli District
- 4.The Superintending Engineer
Public Works Department
Water Resources Organization
Palayamkottai, Tirunelveli



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5.The Assistant Engineer
Public Works Department
Water Resources Organization
Sitraru Basin Division
Kadayanallur, Tirunelveli District

6.Abdul Kadhar

7.Abdul Kader

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents 1 to 5 herein from leaving the drainage water passing through the Attakulam – Pappan Kalavai Channel to the agricultural lands situated on its southern side.

For Petitioner : No appearance

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R2, R4 & R5
Mr.M.Rajarajan for R3
Mr.V.Janaki Devi
for Mr.S.Prithviraj for R6 & R7

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to forbear the respondents 1 to 5 from discharge drainage water into the agricultural lands through Attakulam – Pappan Kalavai Channel.



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2. Learned counsel appearing for the respondents 6 and 7, on instructions, submitted that the petitioner is no more and to that effect, she has also produced a copy of the death certificate before this Court.

3. Learned Government Advocate appearing for the respondents 1, 2, 4 & 5, on instructions, submitted that the third respondent / Municipality has already advised the petitioner as well as the other farmers not to use drainage water for agricultural purposes. Accordingly, they have stopped the usage of drainage water for agricultural purposes. However, till date the discharge of drainage water has not been stopped. To that effect, he has also produced a copy of the communication dated 05.02.2024 received from the fifth respondent, before this Court.

4. Learned counsel appearing for the third respondent – Corporation, on instructions, submitted that in response to the allegation made by the petitioner, the Commissioner, Kadayanallur Municipality along with his officials inspected the subject area and on finding that one Abdul Kader is using drainage water for agricultural purposes by using a motor pump, they removed the motor. Further, discharge of drainage water into



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Seevalankal Kanmoi and Attakulam Kanmoi has been stopped. To that effect, he has also produced a copy of the communication dated 07.06.2018 received from the third respondent, before this Court.

5. Recording the above statement of the respondents 3 and 5, this writ petition is closed. However, if there is any complaint regarding discharge of drainage water into water bodies, the Municipality and the Public Works Department / respondents 3 and 5 shall take necessary action in accordance with law to prevent such discharge of drainage water into water bodies. No costs.

[D.K.K., J.]

[R.V., J.]

22.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The Commissioner,
Municipal Administration,
Chennai-600 005.

2.The District Collector,
Tirunelveli District, Tirunelveli.

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- 3.The Superintending Engineer,
Public Works Department,
Water Resources Organization,
Palayamkottai, Tirunelveli.
- 4.The Assistant Engineer,
Public Works Department,
Water Resources Organization,
Sitraru Basin Division,
Kadayanallur, Tirunelveli District.



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