



W.P(MD)No.24204 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.24204 of 2018
and
WMP(MD)No.21890 of 2018**

A.Ravi

... Petitioner

vs.

1. The District Collector,
Tuticorin,
Tuticorin District.

2. The Assistant Engineer,
Public Works Department,
Marudhur Melakkal Division,
Srivaikundam,
Tuticorin District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to frame a scheme regulating release of water in 'Karumeni River' at 'Subbarayapuram Check Dam' through 'Sadayaneri Channel' to the 'Kallanerikulam', 'Pullanerikulam' and 'Thangaikulam' at Tuticorin District after consultation with all concerned within stipulated period.



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For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.P.Thilakkumar, Government Pleader

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The prayer sought for in this writ petition is for a Mandamus, directing the respondents to frame a scheme regulating release of water from 'Karumeni River' at 'Subbarayapuram Check Dam' through 'Sadayaneri Channel' to the ponds namely, 'Kallanerikulam', 'Pullanerikulam' and 'Thangaikulam' at Tuticorin District, after consultation with all concerned, within a time frame.

2. The petitioner would submit that he is a resident of Udangudi village and the villagers are depending on the said three ponds namely, Kallanerikulam, Pullanerikulam and Thangaikulam for their agricultural activities and day-today life. The said three ponds are getting water from Karumeni river. However, due to construction of a check dam across Karumeni river, the water had been diverted to Puthantharuvai pond. Hence, the petitioner along with villagers had made a representation to the 1st respondent on 26.11.2018, seeking release of water from Karumeni river at



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Subbarayapuyram Check Dam through Sadayaneri channel. The 1st respondent had directed the 2nd respondent to take suitable action on the petitioner's representation, who in turn, on 29.11.2018, had diverted water from Karumeni river to the above said three ponds through Sadayaneri channel. However, on 04.12.2018, the 2nd respondent had closed the shutter of the check dam without assigning any reasons, which prompted the petitioner to file the present writ petition before this Court.

3. The issue as to framing of a scheme for regulation of releasing water, is a policy decision of the concerned official respondent and hence, this Court will not be justified in stepping into the shoes of the respondents for considering such a prayer of the petitioner. However, this Court is of the view that if the petitioner is granted liberty to make a fresh representation before the respondents, with a consequential direction to the respondents to consider the same, the ends of justice could be secured.

4. Accordingly, the petitioner herein is granted liberty to make a fresh representation before the respondents herein ventilating his grievances. On receipt of such representation, the respondents are directed to consider the same on its own merits and in accordance with law, as expeditiously as possible.



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5. The Writ Petition is disposed of with the above direction. No costs.

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(M.S.R, J.) (A.D.M.C, J.)
06.11.2024

Index : No
Neutral Citation : No
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and
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ORDER MADE IN
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