



WP(MD). No.25743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28/10/2024

CORAM

**THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

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K.Muthu Krishnan

... Petitioner

Vs

1. The Principal Secretary
Water Resources Department
PWD Building,
Chepauk, Chennai 600 009.

2. The District Collector
Collectorate Office,
Virudhunagar District 626 002.

3. The Executive Engineer
Public Water Resources Department
Vaippar Surface Water Division,
Virudhunagar District 626 002.

4. The Tahsildar
Taluk Office, Sattur Taluk
Virudhunagar District

5. The Block Development Officer,
Block Development Office,
Sattur, Virudhunagar District

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of



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India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 to 5 to take necessary action to rectify the damages in the 2nd sluice (Madai) of Public Tank (Kanmay) situated at Periyakoilpatti Village, Sattur Taluk, Virudhunagar District based on the petitioner's representation dated 30.07.2024.

For Petitioner : Mr.D.Ashokkumar
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

**(Order of the Court was made by
the Hon'ble the Chief Justice)**

In this Public Interest Litigation, allegation made is that the residents of Periyakollapatti Village, Neeravipatti Village, Pothirettipatti Village and Therkupatti Village are depending on a public tank (Kanmoi) for their water sources for agriculture and other purposes. There are five sluice (Madai) in the said kanmoi for releasing water. Said Kanmoi is maintained by third respondent.

2. It is only in 2020-21, a sum of Rs.47 lakhs was allotted under the Chief Minister's Kudimaramathu Scheme to service and maintain Kanmois. The said kanmoi with which petitioner is concerned was repaired approximately at a cost of Rs.47 lakhs. It is alleged that within



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few months, the said Kanmoi got damaged including the repaired area and in particular the second sluice gate, which was fully damaged. This affected cultivation and despite repeated complaints to respondents, no action has been taken.

3. The learned Government Pleader requested the matter be stood over to post lunch session. Post lunch, counsel, on instructions from respondents, gave an undertaking that all repairs to the Kanmoi including the sluice gates will be carried out on or before 30.12.2024.

4. We are unable to make out how serious is the damage, but still would give time upto, including, 30.12.2024. The statement made by the learned Government Pleader is accepted as an undertaking by each of the five respondents namely, the Principal Secretary, Water Resources Department, District Collector, Virudhunagar District, Executive Engineer, Virudhunagar District, Tahsildar, Sattur Taluk, Virudhunagar District and the Block Development Officer, Sattur, Virudhunagar District.

5. Petitioner has alleged that since December, 2023, he has been complaining about the damage to the second sluice gate. Therefore, it



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will not be out of place to state that in view of ensuing monsoon, if any damage happens to property or life due to non repair of this second sluice gate or poor maintenance of the Kanmoi or any of the Madais, each of the five respondents shall be personally held liable.

6. We state this to drive into the respondents the sense of responsibility they should show to have the Madais repaired and ensure that public money is not wasted, public life is not lost and public life is not damaged.

7. Petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)
SHAFFIQ, J.)

(MOHAMMED

28.10.2024

NCC : Yes/No
Index : Yes/No
RR



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