

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI  
(Under Section 18 (1) read with Sections 14, 15 of the  
National Green Tribunal Act, 2010)

**ORIGINAL APPLICATION No. 89 of 2022 (SZ)**

M-4 LBP Systemised Irrigation Council  
Rep. by its President P.Periavellappan,  
Erode – 638107 and others

...Applicants

Vs.

Union of India  
Rep. by its Secretary,  
The Ministry of Environment, Forests  
New Delhi and others

...Respondents

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Certified that the above documents are true copies of their  
respective originals.

Dated at Chennai on this the 23<sup>rd</sup> day of May, 2023.



Counsel of 7<sup>th</sup> Respondent



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W.P.Nos.19472 and 19548 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.03.2023

Delivered on : 31.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.19472 and 19548 of 2022

M-3, Keel Bhavani Muraineer  
Pasana Vivasaigal Sabai  
Registration No.93/1993  
Rep. by its President, A.Ramaswami  
Vairamangalam, Bhavani Taluk  
Erode District.

.. Petitioner in  
WP.19472/2022

L-5, Keel Bhavani Muraineer  
Pasana Vivasaigal Sabai  
Registration No.46/1994  
Rep. by its Secretary, A.Sengottuvelumani  
No.3/54, Karavalasu, Vazhaithottam Post  
Sivagiri - 638 109, Erode District.

.. Petitioner in  
WP.19548/2022

Vs

1 The Principal Secretary to Government  
Finance Department  
Fort St. George, Chennai - 600 009.



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- 2 The Principal Secretary to Government  
Water Resources Department  
Fort St. George, Chennai - 600 009.
- 3 The Chairman and Managing Director  
Tamil Nadu Water Resources Conservation  
and Rivers Restoration Corporation  
Palar Illam, No.6, Kamaraj Salai  
Chepauk, Chennai - 600 005.
- 4 The Engineer-in-Chief  
Water Resources Department  
Chepauk Chennai - 600 005.
- 5 The Chief Engineer  
Water Resources Department  
Coimbatore Region  
Coimbatore - 641 001.
- 6 The District Collector  
Erode District  
Deeran Chinnamalai Building  
Perunthurai Road, Erode - 11.
- 7 The District Collector  
Tirupur District, Collectorate  
Tirupur - 641 604.
- 8 The District Collector  
Karur District, District Collector's Office  
Thanthonimalai, Karur - 639 007.
- 9 The Superintending Engineer  
PWD, WRO, Bhavani Basin Circle  
Collector's Office, Dheeran Chinnamalai Building  
Perunthurai Road, Erode - 638 011.



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- 10 The Executive Engineer  
PWD, WRO, Bhavani Basin Circle  
Vendipalayam  
Erode - 638 011.
11. M-4 LBP Systemised Irrigation Council  
Rep. by its Secretary, V.M.Krishnamoorthy  
6, Nagarajapuram, Arachalur Via  
Modakuruchi Taluk, Erode - 638 101.
- 12 U.9 LBP Systemised Irrigation Council  
Rep. by its President D.Kalaivanan  
Thingalur Main Road,  
Nallampatti - 638 057  
Erode District.
- 13 U8A LBP Systemised Irrigation Council  
Rep. by its President B.C.Senkottaiyan  
528, Sathy Main Road  
Kavundapadi - 638 455  
Erode District.
- 14 M-4 LBP Systemised Irrigation Council  
Rep. by its President P.Periaellappan  
109 Purudurai Main Road  
Nasiyanur Via, Erode District - 638107.
- 15 Kadukkampalayam Surplus Water Users Association  
rep. by its President, C.Devanasami  
239, Thotta Kattoor, K.Metuppalayam  
Kalichettipalayam, Erode District - 638 455.
- 16 Pandiampalayam Surplus Water Users Association  
rep. by its President, S.A.Perumalsarfi  
2/109, Seerangagoundenpudur  
Kadukkampalayam, Erode - 638 476.

.. Respondents  
1 to 10 in both  
writ petitions



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17 Kanchikovil and Mullampatti Surplus Water Users Association  
rep. by its President, Krishnamoorthy  
Pallipalayam, East Street, 22/17A, Nasiyanur  
Aattaiyampalayam, Erode - 638 107.

18 Salangapalayam Surplus Water Users Association  
rep. by its President, V.Gunasekaran  
Raja Street, Kasilingagoundenpudur  
Salangapalayam, Erode - 638 455.

19 Nallampatti Surplus Water Users Association  
rep by its President, V.S.Deivasigamani  
Velampalayampudur, Singanallur Post  
Kavunthapadi, Erode - 638 455.

.. Respondents  
11 to 19 in  
WP:19472/2022

[Respondents 11 to 14 impleaded vide  
order dated 28.3.2023 passed in  
WMP.No.21038 of 2022 and respondents  
15 to 19 impleaded vide order dated  
28.3.2023 passed in WMP.No.22815 of 2022  
in WP.No.19472 of 2022]

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to complete the work of extension, renovation and modernization of the Lower Bhavani Project Canal within a stipulated time to be fixed by this Court by implementing G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020 based on the representations dated 25.5.2021, 9.5.2022 and 23.5.2022.



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W.P.Nos.19472 and 19548 of 2022

For the Petitioner : Mr.K.Sukumaran  
in WP.No.19472 of 2022 for Mr.P.Mathivanan

For the Petitioner : Mr.M.Santhanaraman  
in WP.No.19548 of 2022

For Respondents 1 to 10 : Mr.R.Shunmugasundaram  
in both writ petitions Advocate General  
assisted by  
Mr.P.Muthukumar  
State Government Pleader  
and Ms.A.G.Shakeenaa

For Respondents 11 to : Mrs.G.Thilakavathi  
14 in W.P.No.19472 of Senior Counsel  
2022 for Mr.S.Kousik

For Respondents 15 to : Ms.M.N.Sumathy  
19 in W.P.No.19472 of  
2022

COMMON ORDER

THE HON'BLE ACTING CHIEF JUSTICE

M-3, Keel Bhavani Muraineer Pasana Vivasaijal Sabai and L-5, Keel Bhavani Muraineer Pasana Vivasaijal Sabai, represented by its President and Secretary, respectively, have filed these writ petitions seeking issuance of a writ of mandamus under Article 226 of the



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Constitution of India to direct the respondents to complete the work of extension, renovation and modernization of the Lower Bhavani Project Canal within a stipulated time to be fixed by this Court by implementing G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020 based on the representations dated 25.5.2021, 9.5.2022 and 23.5.2022.

2. Mr.K.Sukumaran, learned counsel appearing on behalf of the petitioner in W.P.No.19472 of 2022, would submit that the President of the petitioner Sabai has been championing the causes of the agriculturists for a number of years for redressing their grievances before various forums and authorities, besides serving for the causes of the farmers and farm works in the Bhavani distributary channel of the Lower Bhavani Project canal for many years.

3. Learned counsel for the petitioner in W.P.No.19472 of 2022 submitted that the Bhavani River is one of the main tributaries of Cauvery River in the State of Tamil Nadu and the Lower Bhavani



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Sub Basin lies in the western part of Tamil Nadu. Explaining further, learned counsel for the petitioner states that the Bhavani River originates from the rear slopes of Western Ghats in the Nilgiris District in Tamil Nadu and enters the Silent Valley National Park in Kerala and flows back towards Tamil Nadu. Later on, it joins the Sirumugai River and then enters in Coimbatore District. Lower down, Kundah River joins with Bhavani River and flows towards Mettupalayam. A few miles further down the Moyar River confluences with Bhavani River at Bhavanisagar and thereafter the Bhavani River takes its course and confluences with Cauvery River at Bhavani in Erode District.

4. Learned counsel for the petitioner in W.P.No.19472 of 2022 further submitted that, prior to the construction of the Bhavanisagar Dam, the naturally flowing waters of Bhavani River were put to limited use of irrigating the lands abutting the Bhavani River and a major portion of the same was flowing into the Cauvery River. In order to harness water for the purpose of bringing prosperity to the backward and drought prone areas, an anicut by name Kalingarayan



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Anicut was constructed near Bhavani Town in Erode District and around 12000 acres in Erode District was brought under irrigation and the first crop of Samba was being raised therein, besides raising the second crop of Navarai in an area of 10,600 acres.

5. It is further submitted that, subsequently, with a view to extend the supply of water to more extent of lands, another anicut by name Kodivery Anicut was constructed at Kodivery Village, near Gobichettipalayam in Erode District. An upstream of Kalingarayan Anicut and two channels were formed from the said anicut, one branching off on the right side is called "Thadapalli Channel" and the other one branching off from the left side of the anicut is called "Arakkankottai Channel". In this anicut system also, two crops of paddy were being raised – first crop of Samba in 19700 acres and the second crop of Navarai in 2000 acres.

6. It is also submitted that finding that major parts of Trichy (now Karur) and Coimbatore (now Tirupur and Erode) Districts were backward and drought prone areas and that there was sufficient



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water available in the Bhavani River, the then Madras Government, taking into consideration the optimum and better utilisation of the available water to large ayacuts, constructed a reservoir known as "Bhavanisagar Reservoir" across the Bhavani River between Mettupalayam and Sathyamangalam and upstream of Kodivery Anicut in between 1948 and 1954 and a project called "Lower Bhavani Project" (LBP) was commissioned in the year 1955 for providing irrigation facilities to an extent of 2,07,000 acres. The command area of the Lower Bhavani Canal lies in three districts, namely Erode, Tirupur and Karur, and the Lower Bhavani Project is unique inasmuch as it is the first major irrigation project sanctioned in the country after independence.

7. Learned counsel further submitted that the Bhavanisagar Reservoir caters to the needs of three irrigation systems in Lower Bhavani Sub-Basin, namely (i) Lower Bhavani Canal System; (ii) Kalingarayan Anicut System; and, (iii) Kodivery Anicut System. The Lower Bhavani Project main canal runs for a total length of about 200 km and it is in operation for more than 65 years. The height of



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the bund has been reduced considerably due to the frequent movement of vehicles carrying agricultural produces and since the canal was formed using earth alone, the same is susceptible to continuous water pressures. It is further stated that because of poor standards, the supply of water from the dam has to be stopped at the reservoir and if supply is released after carrying out the repair works, it takes at least a week to reach the tail end again. Moreover, due to breakage of the canal, the water flows into the nearby villages, causing danger to the lives of inhabitants of the village, their houses, cattle and agricultural crops. Therefore, in order to prevent the breakage and increase flow and carrying capacity of the canal, the most essential requirement is to line the bed and the sides. Likewise, in order to improve the system efficiency and for modernization of the Lower Bhavani Project and the branch canals, which were in dilapidated condition, repeated requests were made to the Government.

8. It is further submitted that, after considering the long standing requests made by the petitioners, the Government of



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Tamil Nadu issued G.O.Ms.No.198, Public Works (S1) Department, dated 11.9.2009 constituting a Seven-Member Committee under the Chairmanship of Prof. A.Mohanakrishnan, the then Advisor to Government (Water Reserouces) and Chairman Cauvery Technical Cell-cum-Inter Waters Wing and the said Committee, after a detailed study, submitted a report to the Government on 12.5.2010. The Committee, after due deliberation, inter alia, decided that the Lower Bhavani Project main canal may be lined in the modernization programme in order to reduce the seepage and to carry the water to the tail end faster. The Government vide G.O.Ms.No.215, Public Works (S1) Department, dated 19.7.2010, accorded in principle acceptance of the report of the Committee to formulate a scheme for modernization of main and branch canals, including lining of Lower Bhavani Porject, except inclusion of 34 numbers of harnessing schemes, and directed the Chief Engineer, Water Resources Department, to prepare a detailed estimate for the works and send it to the government for its approval.

9. It is further stated that thereafter the Government vide



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G.O.(4) Ms.No.66, Public Works (W1) Department, dated 17.8.2020, accorded permission to the Tamil Nadu Water Resources Conservation and River Restoration Corporation Department, the third respondent herein, to apply to NABARD Infrastructure Development Assistance (NIDA) seeking loan assistance for the work of extension, renovation and modernization of the Lower Bhavani Project System at an estimated total cost of Rs.933.10 crore. Consequent thereto, the second respondent accorded sanction to entrust the work to the fifth respondent for execution and also accorded sanction for splitting up of the extension, renovation and modernization of Lower Bhavani Sub-Basin Project System works into six packages vide G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020.

10. It is further stated that, pursuant to the sanction accorded, the Government of Tamil Nadu issued tenders for the six packages in the month of December, 2020 and after finalizing the tender process, the works were entrusted to the respective successful bidders in the year 2021. When the work was in



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progress, during April, 2021, one M.Ravi filed W.P.No.10419 of 2021 seeking issuance of a writ of mandamus to forbear the respondents, their subordinates and contractors from sealing the seepage water sources under the guise of executing the work of renovation and modernization of the Lower Bhavani Project canal as per G.O.Ms.No.276, dated 9.11.2020, by depriving the riparian rights of the non-ayacutdars and drinking water sources of the villagers located on either side of the Lower Bhavani Project canal which runs through Erode, Tiruppur and Karur Districts. This Court, by order dated 28.4.2021, disposed of the writ petition with a direction to the Principal Secretary to Government, Public Works Department, to consider and dispose of the representation of the petitioner therein by a reasoned order within eight weeks from the receipt thereof. The second respondent, by order dated 28.2.2022, rejected the representation of M.Ravi [petitioner in W.P.No.10419 of 2021] by categorically stating that it is absolutely necessary to renovate and modernize the Lower Bhavani Project canal, which was in use from 1955, for improving its efficiency and preserving it for future generations.



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11. Learned counsel for the petitioner would submit that till date no one has questioned the correctness of the order dated 28.2.2022 passed by the second respondent, rejecting the representation given to stop the execution of the work of renovation and modernization of the Lower Bhavani Project Canal. That apart, G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020, according sanction to entrust the work to the fifth respondent for execution of the works of extension, renovation and modernization of Lower Bhavani Sub-Basin Project System has not been questioned. Therefore, when the Lower Bhavani Project ayacutdars have paid the water cess as per the provisions of the Bhavani Reservoir Irrigation Cess Act, 1933 and the Bhavani Reservoir Irrigation Cess (Amendment) Act, 1952 and the Government had collected almost the entire cost of construction of the Bhavani Sagar Dam from the Lower Bhavani Project ayacutdars, no one except the Lower Bhavani Project ayacutdars have any right over the water supplied in the Lower Bhavani Project main canal which is in existence for more than 65 years and lost its conveyance efficiency



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considerably due to seepage losses and dilapidated masonry structures. In effect, he submitted that when the main aim of the project is to ensure that the water is used judiciously and reaches the tail end ayacutdars, no one can raise any objection.

12. Learned counsel for the petitioner, referring to the status report filed by the Executive Engineer, Water Resources Department, Lower Bhavani Basin Division, Erode, the 10<sup>th</sup> respondent herein, indicated to us that the status report also admits the fact that by executing the renovation and modernization work, the seepage losses can be considerably reduced and the safety of the canal can also be ensured.

13. Drawing support from the status report filed by the 10<sup>th</sup> respondent, learned counsel for the petitioner submitted that at present water is being released in the canal and the irrigation period ends on 30.4.2023. Since both the groups of farmers have given their consent for renovating all the existing age old cross masonry structures and the sluices, these works can be carried out based on



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the existing government order from 1.5.2023, as the Department is taking all efforts to convince both the groups for constructing protection wall in the vulnerable embankment reaches, so as to ensure that the canal is safe and the water supply reaches the tail end.

14. Mr.M.Santhanaraman, learned counsel appearing for the petitioner in W.P.No.19548 of 2022, adopted the aforesaid arguments advanced by Mr.K.Sukumaran, learned counsel appearing on behalf of the petitioner in W.P.No.19472 of 2022.

15. On the basis of the aforesaid submissions, learned counsel for the petitioners prayed for allowing the writ petitions.

16. Mr.R.Shunmugasundaram, learned Advocate General appearing on behalf of respondents 1 to 10, by referring to the status report filed by the 10<sup>th</sup> respondent, submitted that when there was a protest from the non-ayacutdars not to implement G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020,



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the Chief Secretary, Government of Tamil Nadu, convened a meeting on 15.12.2022, wherein the Chief Engineer, Water Resources Department, explained that the total work in the entire length of Lower Bhavani Project Main Canal is being taken up as four packages with a total cost of Rs.709.60 crore and the date of commencement was 1.5.2021 for Package-I and 25.2.2021 for Packages-II, III and IV.

17. Learned Advocate General further submitted that the Minister for Housing and Urban Development also convened a meeting on 13.3.2023 in the Collectorate, Erode, along with the District Collector and protesting farmers to attain an unanimous solution to execute the work. However, there was no consensus and the farmers requested four days' time to discuss among themselves to attain a solution. Subsequently, the protesting farmers submitted a memorandum seeking to cancel G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020 and issue a fresh government order for carrying out the essential rehabilitation works.



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18. Learned Advocate General further submitted that both the groups of farmers have given their consent for renovating all the existing age old cross masonry structures and the sluices and the said works shall be carried out based on the existing government order from 1.5.2023. It is further submitted that, in the meanwhile, the department is taking all efforts to convince both the groups for constructing protection wall in the vulnerable embankment reaches, so as to ensure that the canal is safe and the water supply reaches the tail end. He, therefore, prayed that the respondent authorities may be permitted to proceed with the work from 1.5.2023.

19. Mrs.G.Thilakavathi, learned Senior Counsel appearing on behalf of respondents 11 to 14 in W.P.No.19472 of 2022, submitted that the subject-matter of the present writ petitions is sub judice before the National Green Tribunal in O.A.No.61 of 2022 (SZ) and O.A.No.89 of 2022 (SZ), wherein also the challenge is to the proposed project of extension, renovation and modernization of Lower Bhavani Sub Basin Project System running through Erode,



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however the writ petitioners have deliberately concealed the said fact in the writ petitions.

20. Mrs.G.Thilakavathi, learned Senior Counsel appearing on behalf of respondents 11 to 14, further submitted the Lower Bhavani Project has its historical significance having been taken up in the first five year plan in 1949 and being the first major irrigation project implemented after independence. The canal being an unlined earthen canal, the seepage recharges ground water table and indirectly benefits around one lakh acre of agricultural lands through harnessing schemes, apart from the direct water usage of around 2.07 acre of ayacutdars. However, the project is being proceeded without following the mandatory requirements of public consultation, environmental impact assessment and without obtaining any environmental clearance.

21. It is further submitted that although the proposal for renovation and modernization of the Lower Bhavani Project canal was approved for the reason that there is a huge loss of water due



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to seepage, the ground reality is otherwise. The excess water is opened up for Kodiveri Canal contrary to the final decision of the Cauvery Tribunal in 2007, by which in the place of 4.65 TMC water, 8.5 TMC water is opened up by issuing a government order for the benefit of dyeing industry, which results in huge loss of water.

22. It is further submitted that when the Lower Bhavani Project canal is a major source of irrigation in Erode District, in the name of modernization, the seepage water is going to be stopped, which would result in reduction of the ground water level and ultimately have serious ramifications on the agricultural activities carried on by non-ayacutdars. Therefore, learned Senior Counsel prayed for dismissal of the writ petition and to not implement G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020.

23. Ms.M.N.Sumathy, learned counsel appearing on behalf of respondents 15 to 19 in W.P.No.19472 of 2022, reiterated the arguments advanced by learned Senior Counsel appearing on behalf of respondents 11 to 14 in W.P.No.19472 of 2022.



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24. We are unable to find any merit in the objections raised by the newly impleaded respondents 11 to 19 for the reasons given infra.

25. It is borne out by records that considering the repeated requests made by the ayacutdars to renovate and modernize the Lower Bhavani Project Canal and branch canals, the Government of Tamil Nadu, vide G.O.Ms.No.198, Public Works (S1) Department, dated 11.9.2009, constituted a Seven-Member Committee under the Chairmanship of Prof. A.Mohanakrishnan, the then Advisor to Government (Water Reserouces) and Chairman Cauvery Technical Cell-cum-Inter Waters Wing. The said Committee, after a detailed study and deliberation, submitted a report to the Government on 12.5.2010, opining that the Lower Bhavani Project main canal may be lined in the modernization programme in order to reduce the seepage and to carry the water to the tail end faster.

26. According in principle acceptance to the report of the



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Seven-Member Committee, the Government issued G.O.Ms.No.215, Public Works (S1) Department, dated 19.7.2010, to formulate a scheme for modernization of main and branch canals, including lining of Lower Bhavani Porject, except inclusion of 34 numbers of harnessing schemes, and directed the Chief Engineer, Water Resources Department, to prepare a detailed estimate for the works and send it to the government for its approval.

27. Thereafter, the Government, vide G.O.(4) Ms.No.66, Public Works (W1) Department, dated 17.8.2020, granted permission to the Tamil Nadu Water Resources Conservation and River Restoration Corporation Department, the third respondent herein, to apply to NABARD Infrastructure Development Assistance (NIDA) seeking loan assistance for the work of extension, renovation and modernization of the Lower Bhavani Project System at an estimated total cost of Rs.933.10 crore. Pursuant thereto, the second respondent, vide G.O.Ms.Np.276, Public Works (W1) Department, dated 9.11.2020, accorded sanction to entrust the work to the fifth respondent for execution and also accorded



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sanction for splitting up of the extension, renovation and modernization of Lower Bhavani Sub-Basin Project System works into six packages.

28. Ex consequenti, the Government of Tamil Nadu issued tenders for the six packages in the month of December, 2020 and after finalizing the tender process, the works were entrusted to the respective successful bidders in the year 2021. When the work was in progress, during April, 2021, one M.Ravi filed W.P.No.10419 of 2021 seeking issuance of a writ of mandamus to forbear the respondents, their subordinates and contractors from sealing the seepage water sources under the guise of executing the work of renovation and modernization of the Lower Bhavani Project canal as per G.O.Ms.No.276, dated 9.11.2020, by depriving the riparian rights of the non-ayacutdars and drinking water sources of the villagers located on either side of the Lower Bhavani Project canal which runs through Erode, Tiruppur and Karur Districts. This Court, by order dated 28.4.2021, disposed of the writ petition with a direction to the Principal Secretary to Government, Public Works



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Department, to consider and dispose of the representation of the petitioner therein by a reasoned order within eight weeks from the receipt thereof. The second respondent, by order dated 28.2.2022, rejected the representation of M.Ravi [petitioner in W.P.No.10419 of 2021] by categorically stating that it is absolutely necessary to renovate and modernize the Lower Bhavani Project canal, which was in use from 1955, for improving its efficiency and preserving it for future generations. Moreover, the order dated 28.2.2022 rejecting the representation making a challenge to G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020 has not been assailed till date.

29. It is beyond any demur that from the year 2021 till now the work has been completely stalled and as a result the cost of raw materials inflated.

30. That apart, in the status report filed by the 10<sup>th</sup> respondent, it has been stated that both the groups of farmers have given their consent for renovating all the existing age old cross



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masonry structures and the sluices and, hence, those works can be carried out based on the existing government order from 1.5.2023.

The relevant portion of the status report is extracted hereunder:

*"13. .... at present water is being released in the canal and the irrigation period ends on 30.04.2023. Both the group farmers have given their consent for renovating all the existing age old cross masonry structures and the sluices. Hence these works can be carried out based on the existing G.O. from 01.05.2023. Meanwhile the department is taking all efforts to convince both the groups for constructing protection wall in the vulnerable embankment reaches, so as to ensure safety of the canal and the required supply at the tail end. By implementing this project as mentioned above, the law and order problems can be avoided."*

31. In the case on hand, the basis for the issuance of G.O.Ms.No.276, Public Works (W1) Department, dated 9.11.2020, is the report submitted by a Seven-Member Committee consisting of experts in the field. When such Committee after due deliberation has opined that the Lower Bhavani Project main canal may be lined



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In the modernization programme in order to reduce the seepage and to carry the water to the tail end faster, which report was accepted by the Government, this Court exercising jurisdiction under Article 226 of the Constitution of India cannot sit in appeal over such opinion expressed by the experts in the field, merely because it is to the disadvantage of respondents 11 to 19. We do not find any reason to interfere with the decision taken by the Government based on such report of the Seven-Member Committee.

For the foregoing reasons, we allow the writ petitions and direct the respondent authorities to proceed with the works from 1.5.2023 based on the existing government order. There will be no order as to costs. Consequently, W.M.P.Nos.18765, 18766, 18834 and 18838 of 2022 are closed.

(T.R., ACJ.) (D.B.C., J.)  
31.03.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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WEB COPY To:

- 1 The Principal Secretary to Government  
Finance Department  
Fort St. George, Chennai - 600 009.
- 2 The Principal Secretary to Government  
Water Resources Department  
Fort St. George, Chennai - 600 009.
- 3 The Chairman and Managing Director  
Tamil Nadu Water Resources Conservation  
and Rivers Restoration Corporation  
Palar Illam, No.6, Kamaraj Salai  
Chepauk, Chennai - 600 005.
- 4 The Engineer-in-Chief  
Water Resources Department  
Chepauk Chennai - 600 005.
- 5 The Chief Engineer  
Water Resources Department  
Coimbatore Region  
Coimbatore - 641 001.
- 6 The District Collector  
Erode District  
Deeran Chinnamalai Building  
Perunthurai Road, Erode - 11.
- 7 The District Collector  
Tirupur District, Collectorate  
Tirupur - 641 604.
- 8 The District Collector  
Karur District, District Collector's Office  
Thanthonimalai, Karur - 639 007.



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- 9 The Superintending Engineer  
PWD, WRO, Bhavani Basin Circle  
Collector's Office, Dheeran Chinnamalai Building  
Perunthurai Road, Erode - 638 011.
- 10 The Executive Engineer  
PWD, WRO, Bhavani Basin Circle  
Vendipalayam  
Erode - 638 011.

PACKAGE- ( I to IV )										
N.W:Extension Renovation and Modernisation of LowerBhavani Main Canal from mile 0-0-370 to mile 124-2-560 in Erode, Tiruppur and Karur Districts.										
Protection wall statement										Length in km
S.no	Package	Protection wall			Components			Total		
		Left	Right	Total	Left	Right	Total	Left	Right	Total
1	I	3.185	2.855	6.040	1.180	0.790	1.970	4.365	3.645	8.010
2	II	4.220	3.195	7.415	0.935	0.620	1.555	5.155	3.815	8.970
3	III	6.905	5.705	12.610	1.680	1.260	2.940	8.585	6.965	15.550
4	IV	6.625	7.425	14.050	3.920	2.555	6.475	10.545	9.980	20.525
	<b>Total</b>	<b>20.935</b>	<b>19.180</b>	<b>40.115</b>	<b>7.715</b>	<b>5.225</b>	<b>12.940</b>	<b>28.650</b>	<b>24.405</b>	<b>53.055</b>

The details about the above said places in which the concrete protection wall to be constructed in the damaged Lower Bhavani canal bund under the name of Extension, renovation and modernization Scheme, have already been furnished to you.

Now the work has commenced and is in progress. It is informed to you that while executing the work there is a possibility of upto 10 to 15 % difference in the work, according to the nature of the damages caused to the respective places in the canal.

Sd/- 8.5.2023

Executive Engineer W.R.O  
Bhavani Division

- Erode-2

Sd/-  
Secretary,  
Lower Bhavani Farmers Federation, Erode

//Translated copy//



## Water Resources Department

**Extension Renovation and Modernisation of  
Lower Bhavani Main Canal from mile 0-0-370 to  
mile 124-2-560 in Erode, Tiruppur and Karur  
Districts.**

**Meeting on 06.05.2023**

**Coimbatore Region, Coimbatore.  
Bhavani Basin Circle, Erode.  
Lower Bhavani Basin Division, Erode.**

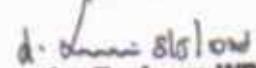
**PACKAGE- ( I to IV )**

**N.W:Extension Renovation and Modernisation of LowerBhavani Main Canal from mile 0-0-370 to mile 124-2-560 in Erode, Tiruppur and Kanur Districts.**

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**A. Srinivasan**  
**Executive Engineer, WRD,**  
**Lower Bhavani Basin Division, Erode - 2.**

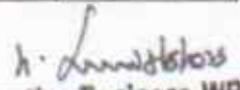
WATER RESOURCES DEPARTMENT						
EXTENSION RENOVATION AND MODERNISATION OF LOWER BHAVANI PROJECT MAIN CANAL FROM MILE 0-0-373 TO 18-1-375 IN ERODE DISTRICT.						
PACKAGE - I						
S. No	DISCUSSION WITH HON'BLE MINISTER					REMARKS
	Mile		Left (m)	Right (m)	Total	
	From	To				
1	1/4-282	1/5-449	250	250	500	
2	2/0-431	2/2-106	300	200	500	
3	2/2-587	2/3-607	200	100	300	
4	2/4-579	2/5-554	200	100	300	
5	2/7-240	3/0-422	250	250	500	
6	4/0-205	4/2-053	320	120	440	
7	4/5-514	4/6-528	170	170	340	
8	5/0-503	5/1-502	0	200	200	
9	5/6-644	6/0-158	170	70	240	
10	6/7-445	7/0-422	45	20	65	
11	7/4-098	7/5-079	70	170	240	
12	8/5-392	8/6-370	45	20	65	
13	9/5-361	9/7-343	120	70	190	
14	10/4-498	10/6-421	225	200	425	
15	11/0-647	11/2-160	0	170	170	
16	12/2-280	12/4-615	200	150	350	
17	14/1-551	14/2-564	100	100	200	
18	15/3-513	15/5-441	200	200	400	
19	15/7-497	16/0-348	75	150	225	
20	16/3-154	16/4-005	170	70	240	
21	16/7-302	17/0-154	75	75	150	
Sub Total - 1			3185	2855	6040	
	DC	18	540	540	1080	
	Sluices	26	390	0	390	
	Outlet	1	50	50	100	
	Aqueduct	3	150	150	300	
	Bridge	1	50	50	100	
Sub Total - 2			1180	790	1970	
Grand Total			4365	3645	8010	m

  
 Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode-

WATER RESOURCES DEPARTMENT						
EXTENSION RENOVATION AND MODERNISATION OF LOWER BHAVANI PROJECT MAIN CANAL FROM MILE 18-1-375 TO 39-0-000 IN ERODE DISTRICT.						
PACKAGE - II						
S. No	DISCUSSION WITH HON'BLE MINISTER					REMARKS
	Mile		Left (m)	Right (m)	Total	
	From	To				
1	18-3-000	18-6-450	120	45	165	
2	19-2-000	19-3-000	250	100	350	
3	19-5-000	21-0-000	100	100	200	
4	21-0-000	21-2-000	120	140	260	
5	22-6-000	23-0-000	350	250	600	
6	24-0-000	24-3-000		270	270	
7	25-5-000	25-7-000	100		100	
8	26-0-000	26-2-000	100	75	175	
9	26-6-000	27-0-000	70	45	115	
10	27-0-000	27-4-000	300	200	500	
11	28-1-000	28-5-000	255	120	375	
12	30-0-000	30-01-0000	175	200	375	
13	30-7-000	31-0-000	380	320	700	
14	32-4-000	32-5-000	260	150	410	
15	32-6-000	33-2-000	300	250	550	
16	33-5-000	34-0-000	220	170	390	
17	36-2-000	36-4-000	300	200	500	
18	37-2-000	37-4-000	300	190	490	
19	37-4-000	38-0-000	520	370	890	
	<b>Sub Total - 1</b>		<b>4220 *</b>	<b>3195</b>	<b>7415</b>	
	DC	14	420	420	840	
	Sluices	21	315		315	
	Outlet	1	50	50	100	
	Aqueduct	2	100	100	200	
	Bridge	1	50	50	100	
	<b>Sub Total - 2</b>		<b>935</b>	<b>620</b>	<b>1555</b>	
	<b>Grand Total</b>		<b>5155</b>	<b>3815</b>	<b>8970</b>	m

*H. Anishtas*  
Executive Engineer, WRD,  
Lower Bhavani Basin Division, Erode

WATER RESOURCES DEPARTMENT						
EXTENSION RENOVATION AND MODERNISATION OF LOWER BHAVANI PROJECT MAIN CANAL FROM MILE 39-0-000 TO 63-0-560 IN ERODE DISTRICT.						
PACKAGE - III						
S. No	DISCUSSION WITH HON'BLE MINISTER					REMARKS
	Mile		Left (m)	Right (m)	Total	
	From	To				
1	39/1/000	39/2/000	200	150	350	
2	39/5/000	39/6/000	270	70	340	
3	41/0/000	41/0/490	120	70	190	
4	42/1/000	42/2/000	200		200	
5	42/4/000	42/4/330	220	120	340	
6	43/3/000	43/4/000	250	150	400	
7	45/3/000	45/5/000	250	150	400	
8	46/2/000	46/3/000	200	100	300	
9	46/7/000	47/0/000	250	150	400	
10	47/5/000	47/6/330	200	300	500	
11	49/4/000	49/5/330	45	45	90	
12	50/1/000	50/1/490	75	75	150	
13	50/4/000	50/5/000	45	45	90	
14	51/1/000	51/3/330	270	270	540	
15	51/5/330	51/6/000	70	70	140	
16	52/1/000	52/2/330	270	270	540	
17	52/5/000	52/6/330	270	270	540	
18	53/3/315	53/5/218	370	370	740	
19	54/3/000	54/4/000	200	200	400	
20	56/1/000	56/1/490	150		150	
21	56/3/000	56/3/490	150		150	
22	56/7/000	56/7/490	150	150	300	
23	57/1/000	57/2/330	300	300	600	
24	57/4/000	57/4/490	150	150	300	
25	58/0/000	58/1/165	220	220	440	
26	59/2/000	59/3/330	300	300	600	
27	59/6/000	60/2/000	670	670	1340	

  
 Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode

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S. No	DISCUSSION WITH HON'BLE MINISTER					REMARKS
	Mile		Left (m)	Right (m)	Total	
	From	To				
28	60/7/000	61/2/000	400	400	800	
29	61/7/000	62/0/000	200	200	400	
30	62/3/000	62/4/000	200	200	400	
31	62/6/000	62/6/490	120	120	240	
32	62/7/490	63/0/320	120	120	240	
	<b>Sub Total - 1</b>		<b>6905</b>	<b>5705</b>	<b>12610</b>	
	DC	32	960	960	1920	
	Sluices	28	420		420	
	Outlet	1	50	50	100	
	Aqueduct	3	150	150	300	
	Bridge	1	50	50	100	
	Regulator	1	50	50	100	
	<b>Sub Total - 2</b>		<b>1680</b>	<b>1260</b>	<b>2940</b>	
	<b>Grand Total</b>		<b>8585</b>	<b>6965</b>	<b>15550</b>	m

*[Signature]*  
 Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode-2

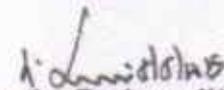
Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode

WATER RESOURCES DEPARTMENT											
EXTENSION RENOVATION AND MODERNISATION OF LOWER BHAVANI PROJECT											
MAIN CANAL FROM MILE 63-0-560 TO 124-2-560 IN ERODE, TIRUPPUR AND KARUR DISTRICTS											
PACKAGE - IV											
S. No	DISCUSSION WITH HON'BLE MINISTER										REMARKS
	Mile							Left (m)	Right (m)	Total	
	From			To							
1	63	7	0	-	64	1	0	0	400	400	
2	64	2	570	-	64	3	570	0	150	150	
3	64	7	0	-	65	0	0	200	0	200	
4	65	1	0	-	65	2	492	270	270	540	
5	66	0	0	-	66	2	332	470	470	940	
6	67	5	332	-	67	7	332	150	150	300	
7	68	2	328	-	68	3	328	70	0	70	
8	68	5	576	-	68	6	576	100	0	100	
9	69	6	300	-	69	7	300	100	100	200	
10	70	3	642	-	70	4	642	100	100	200	
11	71	5	425	-	71	6	425	100	100	200	
12	72	0	0	-	72	1	0	100	100	200	
13	72	4	90	-	72	5	90	70	70	140	
14	73	7	214	-	74	0	214	100	100	200	
15	75	7	267	-	76	1	95	350	350	700	
16	76	2	435	-	76	4	100	300	300	600	
17	76	6	440	-	76	7	440	170	170	340	
18	82	5	0	-	82	6	0	20	170	190	
19	84	5	64	-	84	6	160	230	230	460	
20	85	6	360	-	85	7	455	200	200	400	
21	85	7	500	-	86	0	500	170	170	340	
22	88	4	255	-	88	5	350		100	100	
23	89	0	390	-	89	1	620	270	270	540	
24	89	4	537	-	89	5	372	120	120	240	
25	90	3	267	-	90	4	265	170	170	340	
26	92	7	235	-	93	0	585	310	310	620	
27	94	1	140	-	94	1	535	0	120	120	
28	94	7	230	-	95	0	360	30	160	190	
29	97	1	110	-	97	1	634	130	130	260	
30	97	4	300	-	97	5	600	260	260	520	

*(Signature)*  
 Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode

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S. No	DISCUSSION WITH HON'BLE MINISTER										REMARKS
	Mile							Left (m)	Right (m)	Total	
	From			To							
31	99	4	650	-	99	5	650	170	170	340	
32	100	5	500	-	100	6	330	120	120	240	
33	101	3	440	-	101	5	100	150	150	300	
34	104	0	30	-	104	1	20	70	70	140	
35	105	0	250	-	105	1	0	95	95	190	
36	105	4	390	-	105	5	60	0	70	70	
37	105	6	350	-	106	0	0	120	120	240	
38	108	0	0	-	108	0	430	85	85	170	
39	108	5	420	-	108	6	420		170	170	
40	110	4	430	-	110	5	250	115	115	230	
41	111	3	280	-	111	4	280	70	70	140	
42	113	7	250	-	114	0	0	50	50	100	
43	114	4	110	-	114	5	340	50	50	100	
44	116	0	580	-	116	1	580	100	100	200	
45	116	3	350	-	116	4	185	120		120	
46	117	1	0	-	117	6	190	70	70	140	
47	118	6	0	-	118	6	330	70	70	140	
48	119	3	0	-	119	4	0	70	70	140	
49	120	1	90	-	120	2	90	70	70	140	
50	120	3	310	-	120	4	240	100	100	200	
51	122	1	0	-	122	2	160	150	150	300	
52	123	6	0	-	123	7	490	120	120	240	
53	124	2	0	-	124	2	493	100	100	200	
<b>Sub Total - 1</b>								<b>6625</b>	<b>7425</b>	<b>14050</b>	
					DC	97	1455	1455	2910		
					Sluices	91	1365		1365		
					Outlet	1	50	50	100		
					Syphon	1	50	50	100		
					Bridge	19	950	950	1900		
					Regulator	4	50	50	100		
<b>Sub Total - 2</b>								<b>3920</b>	<b>2555</b>	<b>6475</b>	
<b>Grand Total</b>								<b>10545</b>	<b>9980</b>	<b>20525</b>	m

  
 Executive Engineer, WRD,  
 Lower Bhavani Basin Division, Erode-2.



thanga vel &lt;stvel2004@gmail.com&gt;

**O.A.No.89 of 2022 -NGT (SZ) - Addl. Typed Set filed by 7th Respondent**

1 message

thanga vel &lt;stvel2004@gmail.com&gt;

Tue, May 23, 2023 at 5:14 PM

To: anbarasanassociates@gmail.com, sahnk@cag.gov.in, Shanmuganathan Dharmarajan &lt;dshanmuganathan@outlook.com&gt;

To

1. M/s.A.Praveen Kumar  
M.Meenatchi, Advocates,  
Counsel for Applicants in O.A.No.89/2022
  2. Union of India,  
Rep by its Secretary, Ministry of Environment, Forests and Climate Change,  
New Delhi.  
Respondent No. 1 in O.A.No.89/2022
  3. Dr.D.Shanmuganathan, Advocate  
Standing Counsel for Respondents 2 to 6 in O.A.No.89/2022
- Sirs  
Ref : O.A.No.89/2022 - NGT (SZ) Chennai

Please find attached herewith the Additional Typed Set filed on behalf of the 7<sup>th</sup> respondent in O.A.No.89/2022. This is for your kind information.

Thanking you.

S.Thangavel,  
Advocate

Counsel for 7<sup>th</sup> Respondent  
Mobile No. 94440 23314

**3 attachments** **Index to Addl Typed Set.docx**  
22K **Order dt.31.03.2023 made in W.P.Nos.19472 and 19548 of 2022.pdf**  
241K **Intimation about the PACAGE of Work.pdf**  
1980K

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL (SZ) CHENNAI  
(Under Section 18(1) read with Sections 14,  
15 of the National Green Tribunal Act,  
2010)

**ORL. APPLN. No. 89 of 2022 (SZ)**

M-4 LBP Systemised Irrigation Council  
Rep. by its President P.Periavellappan,  
and others

...Applicants

Vs.

Union of India  
Rep. by its Secretary,  
The Ministry of Environment, Forests  
New Delhi and others

...Respondents

**ADDITIONAL DOCUMENTS FILED BY THE  
7<sup>TH</sup> RESPONDENT**

**Mr. S.THANGAVEL (E.No.69/1991)**

Counsel of 7<sup>th</sup> Respondent

Mobile No. 94440 23314

E Mail : [stvel2004@gmail.com](mailto:stvel2004@gmail.com)