

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
Erode – 638107 and others

...Applicants

Vs.

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

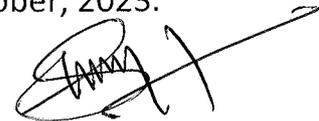
...Respondents

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

Dated at Chennai on this the 10th day of October, 2023.



Counsel of 7th Respondent

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS

W.P.No. OF 2021

10419

M. Ravi, M/48,
S/o. late Muthusamy,
189, Uppilpalayam,
K.G. Valasu - 638 051,
Chennimalai Via,
Erode District.

-Petitioner.

Versus

1. The State of Tamilnadu rep. by
The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.
2. The Tamilnadu Water Resources
Conservation and Rivers Restoration
Corporation Ltd., rep. by its
Chairman and Managing Director,
Chennai - 600 009.
3. The Engineer in Chief,
Water Resources Department,
Chepauk,
Chennai - 600 005.
4. The District Collector,
Erode District,
Erode - 638 011.
5. The Superintending Engineer,
Water Resources Department,
Keel Bhavani Basin Division,
Erode - 638 011.

-Respondents.

AFFIDAVIT OF M. RAVI

I, M. Ravi, S/o. late Muthusamy, aged about 48 years, residing at 189, Uppilpalayam, K.G. Valasu - 638 051, Chennimalai Via, Erode District now temporarily come down to Chennai do hereby solemnly affirm and sincerely state as follows:

1. I am the petitioner herein. As such I am well acquainted with the facts of the case.

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2. I submit that I am an agriculturist. I was elected as the President of Murungatholuvu Village Panchayat for the period between 1996 and 2016. I am a voter, not a supporter of any political party. My lands are lying in the Ayacut of Lower Bhavani Project (LBP). My only source of income and livelihood is from the agricultural cultivation. I submit that for the past 30 years, I have been in public life and shouldering the cause of the local people. Therefore, I file this writ petition to protect the riparian right of the agriculturists whose lands are not lying in the Ayacut area.

3. I submit that this writ petition is filed to protect the right to get seepage water from the Lower Bhavani Sub Basin Project System. Now the 1st respondent has issued G.O.Ms.No.276 dated 09.11.2020 for the purpose of extension, renovation and modernization of LBP canal with the loan assistance from NABARD under NIDA. Under the guise of renovation and modernization, the respondents are attempting to deprive the agriculturists and the villagers' right to get seepage water from the LBP Canal. I submit that the seepage water from the LBP canal percolates into the neighboring lands, ground level wells, ponds, etc and thereby, it helps to increase the ground water table on either side of the LBP canal.

4. I submit that water is considered as a liquid gold in the State of Tamil Nadu. The entire surface water and more than 60% of ground water are being utilized for agriculture, industry and drinking purposes. The agriculturists in Erode, Thiruppur and Karur Districts are the direct beneficiaries of LBP canal. The Lower Bhavani Project has a chequered history. The River Bhavani originates in the silver valley of the Western Ghats. The storage capacity of Lower Bhavani reservoir is 33 Thousand Million Cubic feet (TMC). The total command area of the LBP is about 88,000 Hectors, which is almost 2,07,000 acres.

5. I submit that water for irrigation was first available during 1952-1953 and the entire project was thrown open for irrigation from 1956-1957 onwards. Under a Zonal system, the entire command area was divided into two halves. For this purpose the distributaries in the odd mile of the main canal were numbered as "Number I Turn" and the rest as "Number II Turn". This system is still in operation.

6. I submit that the LBP is one of the major surface irrigation projects where farmers organization are expected to play a major role in efficient water distribution both at system, and farm level farmers organization encourage water saving through efficient distribution of the available water where water losses were minimized through efficient management. I submit that not only the Ayacutdhars and even non-Ayacutdhars who own lands on either side of the LBP canal are engaged in the process of cultivating their lands with the help of seepage water which percolates into the nearby lands, wells and bore wells. Further, the water for irrigation is released only on turn system. Under such circumstances, when water is released for Turn I, even in Ayacutdhars Turn II will get seepage water and vice versa. Therefore, sealing of seepage by concrete plastering will deprive the Ayacutdhars also.

7. I submit that Water User's Associations are in existence in the LBP Ayacut area for long and mainly to safeguard and protect the irrigation interest of the Ayacutdhars (Beneficiary Farmers). I submit that the formal and informal associations came to be regarded as recognized entities whose views and opinions were sought for by the irrigation and other departmental agencies on irrigation related problems and other relevant issues. In all these years, Ayacutdhars are also involved in decision making processes related to on farm development works.

8. I submit that earlier, the revenue department were collecting B memo charges from the non-Ayacutdhars who had engaged in agricultural cultivation with the help of seepage water from the LBP canal, and now the said practice has been abandoned from the year 1997 in view of the representation made by the farmers to the then Hon'ble Chief Minister of Tamil Nadu. I submit that for more than seven decades, the farmers and villagers who own their lands on either side of LBP canal to the distance of 200 Kms, starting from the Bhavani Sagar Dam to the tail end at Mangalapatti at Karur district are enjoying the benefit from the seepage water either directly or indirectly without causing detrimental to the interest of the Ayacutdhars.

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9. I submit that while so, to our shock and dismay, the 1st respondent has issued G.O.Ms.No.276 dated 09.11.2020 for the purpose of renovation and modernization of the LBP canal, but under the disguise of renovation and modernization, the respondents and their subordinates have started sealing the inner walls of the canals to prevent the percolation of the seepage water into the neighboring lands. Immediately after knowing the said proposal, all the farmer's associations and agriculturist have raised protest stating that it would affect their right to get seepage water, which has been enjoyed for more than 60 years.

10. I submit that the following village Panchayats have also passed the resolutions against the said scheme. The list is given hereunder. The list is given hereunder:

- i) V. Kuttapalayam Village Panchayat, Erode District
- ii) Punjai Palatholuvu Village Panchayat, Erode District.
- iii) Valliarachal Village Panchayat, Erode District.
- iv) Panlampalli Village Panchayat, Erode District.
- v) Nathakadaiyur Village Panchayat, Erode District.
- vi) Marudurai Village Panchayat, Erode District.
- vii) Pudupalayam Village Panchayat, Erode District.
- viii) Parancharvazhi Village Panchayat, Tiruppur District.
- ix) Maravapalayam Village Panchayat, Tiruppur District.
- x) Keeranur Village Panchayat, Tiruppur District.
- xi) Thammareddipalayam Village Panchayat, Erode District.
- xii) Kallakulam Village Panchayat, Erode District.

11. I submit that the above proposal for renovation and modernization sought to be implemented through G.O.Ms.No.276 dated 09.11.2020 will deprive of our assured right to get water and will also affect the livelihood of the non-Ayacutdhars. Further, the local Panchayats have constructed many ground level water tanks to collect the seepage water from the LBP canal, which caters the drinking water requirements for all these years. Hence the proposed sealing of seepage water affects the livelihood of the agriculturists and villagers in glaring violations of the right to life and human dignity. Their assured water source is deprived of unceremoniously.

12. I submit that in the event of carrying out concrete plastering over the inner walls of the LBP canals with a view to avoid percolations of seepage water would offend the right to get water for drinking and agricultural purposes. In result, lakhs of villagers will be prevented from feeding their cattle besides doing agricultural cultivation. I submit that the non-Ayacutdhars are not opposing the repair work in the canal, but under the guise of modernization, they cannot completely seal the seepages, and it would affect the life and livelihood of the non-Ayacutdhars. Hence, I have submitted a representation dated 17.02.2021 to the respondents inter alia pointing out the sufferings to be caused to the villagers and the agriculturists. But, the respondents have not considered the same for the reasons best known to them.

13. I submit that the seepage water from the LBP canal has virtually diluted the effect of the polluted water in Noyyal River as well as the water discharged from the SIPCOT industries at Perundurai. The effect caused by the polluted water in the soil has been effectively diluted by the seepage waters. Above all, in order to implement the renovation and modernization of the LBP canal, the respondents have made arrangements to uproot the entire grown up trees which are standing on either side of the bund. I submit that in the event of cutting and removing the several thousand trees which are aged upto 50 years would cause serious environmental damage to the ecology.

14. I submit that the non-Ayacutdhars are also enjoying the riparian rights because of their close proximity to the LBP canal. It provides them the usufructuary right to enjoy the seepage water. I submit that the ceiling of the walls is not only affected the agricultural cultivation and also resulted in depletion of the ground water level. Since, ground water has a direct link to our lands, a right was created between on the non-Ayacutdhars. This is an indissoluble link between the land ownership and right to irrigate the land. Under such circumstances, the respondents are expected to consider our grievance before carrying out the renovation and modernization.

15. I submit that the very same attempt was made earlier in the year 2013, and all the agriculturists had jointly opposed the said proposal in

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one voice. The meetings, agitations and objections raised by the farmers and their associations were taken note of, and the then State Government dropped the said proposal on the basis of the non-viability. While so, after 3 years, again the respondents have initiated a similar work under the guise of renovation and modernization. In the event of sealing the seepage sources would affect the water storage in the following ponds and check dams:-

- i) Sengodampalayam Kuttai, Erode District.
- ii) Pethampalayam Kuttai, Erode District.
- iii) Ponnada valasu Kuttai, Erode District.
- iv) Pandiampalayam Check Dam, Erode District.
- v) Salangapalayam seepage scheme, Erode District.
- vi) Alathur Anaicut canal, Erode District.
- vii) Sundarapuram seepage scheme, Erode District.
- viii) Mullampatti-Pallipalayam seepage Scheme, Erode District.
- ix) Muthugoundanpalayam pond, Erode District.
- x) Nallampatti seepage scheme, Erode District.
- xi) Anandasagaram seepage scheme, Erode District.
- xiii) Surampatti valasu Anaicut, Erode District.
- xiv) Murungatholuvu seepage scheme, Erode District.
- xv) Kuranganpallam Odai, Erode District.
- xvi) Vadugapalayam seepage Kuttai, Erode District.
- xvii) Kadukkampalayam Anaicut, Erode District.
- xviii) Vellode Birds Sanctuary, Erode District.
- xix) Odathurai Pond, Erode District.

16. I submit that the non- Ayacutdhars are the direct beneficiaries of the seepage water from the LBP canal from the year 1954. If it is stopped, then the agriculturists, village Panchayats and public at large will be affected. I submit that seepage water is the source for charging the ground water table and the said water is being used to fill up the village ponds. I have initiated an action to make use of the seepage water, by approaching the 4th respondent to allocate funds to transport the seepage water stagnated nearby LBP canal to the village ponds in my village Panchayat. In fact, the District Administration had allocated the funds from the Member of Parliament Local Area Development Scheme (MPLADS) for the said purpose.

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17. I submit that the 4th respondent had also granted administrative sanction for laying pipelines to take the seepage water from the place where it gets stagnated and to transport the same to the nearby ponds. The said scheme was opposed by a handful of people, but, it was successfully implemented pursuant to an order dated 13.06.2016 made in WP No. 38615 of 2015 filed by me. In fact, the said scheme has been extended to other ponds in my village panchayat, pursuant to an order dated 12.04.2019 made in WP No. 4111 of 2019 (2019 (4) MLJ 548). The said order was upheld by the Hon'ble Division Bench in WA No. 117 of 2021, dated 29.01.2021.

18. I submit that the right to get water is also a part of right to life guaranteed under Article 21 of the Constitution. Water is a gift of nature. Therefore, the respondents are not expected to do so distinctive discrimination between the Ayacutdhars and non- Ayacutdhars, because of the locational disadvantages and land use pattern of the non- Ayacutdhars. In fact, the LBP canal is meant for those who own lands on the left side of the canal, and the owners on the right side of the canal are not coming under LBP Ayacut. However, the non-Ayacut agriculturists are the direct beneficiaries from the seepage water. Further, the seepage water help the villagers/agriculturists to cater their drinking water requirements and to charge the ground water table.

19. I submit that in view of the above position, the respondents are required to take note of our grievance in mind before executing the renovation and modernization work through the contractors. Otherwise, in the event of sealing the entire seepage percolation, would cause serious repercussion in the right and livelihood of the non- Ayacutdhars. I submit that the respondents are at liberty to carry on the renovation and modernization of the LBP canal, but, they cannot seal the seepage sources. Hence, I file this writ petition to forebear the respondents, their men and contractors from in any way sealing the percolation of seepage water from the LBP canal under the guise of executing the renovation and modernization work in the LBP canal.

20. I submit that I file this writ petition as a Public Interest Litigation for the cause of the affected agriculturists, particularly, non- Ayacutdhars of

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LBP canal and other villagers who are the direct beneficiaries of the seepage water from either side of the LBP canal. I have collected all the materials on my own effort and expenses. I am not an income tax assessee. My PAN Number is CMFPR4405C. My Aadhaar Card Number is 943243712494. My annual income from the agriculture is about Rs. 4.50 lakhs. This litigation is not funded by anyone. I undertake to pay the costs if any, to be imposed by this Hon'ble Court in the event of doubting my bonafides. I file this writ petition strictly in compliance with the requirements for filing PIL as per the Circular dated 26.07.2019 issued by this Hon'ble Court.

21. I submit that a farmer's life is a tale of continuous experiments and struggle for existence. Mere words or a visual can never convey what it means to live as a farmer. Unless one experiences our struggle, that head ache, no one will know how it feels. Further, the fundamental right of a farmer to cultivate his land is part of right to livelihood. In fact, agricultural land is the foundation for a sense of security from fear. Our assured possession is a lasting source for peace and prosperity. Further, we feel that there is a strong linkage between the land and our status in the social system. I submit that often the agriculturists are disturbed under the disguise of developmental activities like formation of road over their lands, erection of towers/transmission lines and laying of pipelines to transport oil materials etc.

22. I submit that nothing wrangles more in the human hurt than a brooding sense of injustice. The risk faced by our farming community are many. Now, the renovation and modernization of the LBP canal are adding fuel to the fire to our problems. Hence, I pray this Hon'ble court to grant an order of interim injunction restraining the respondents, their men and contractors from sealing the seepage sources in the LBP canal under the guise of renovation and modernization, pending disposal of this writ petition before this Hon'ble Court and thus render justice.

23. I submit that I have no other alternative, effective and efficacious remedy, except to invoke the extraordinary jurisdiction of this Hon'ble Court, under Article 226 of the Constitution of India.

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24. I submit that I have not filed any writ petition, suit or appeal either before this Hon'ble Court or before any other court of law or authority, regarding the subject matter of the present writ petition.

It is, therefore, prayed that this Hon'ble Court may be pleased to issue Writ, Order of direction, specifically writ in the nature of WRIT OF MANDAMUS forbearing 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 LBP canal as per G.O. Ms. No. 276, dated 09.11.2020 passed by the 1st respondent, by depriving the riparian rights of the non- Ayacutdhars and drinking water sources of the villagers located on either side of the LBP canal which runs through Erode, Tiruppur and Karur Districts and pass such further suitable orders as this Hon'ble Court deems fit and proper in the circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this 14th day of March, 2021 and all the above contents are explained in Tamil to the deponent and the deponent understood the same and put his signature in my presence:-

BEFORE ME,

Advocate-Chennai.



**MEMORANDUM OF WRIT PETITION
[UNDER ARTICLE 226 OF CONSTITUTION OF INDIA]**

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)**

W.P.No. 10419 of 2021

M. Ravi, M/48,
S/o. late Muthusamy,
189, Uppilipalayam,
K.G. Valasu - 638 051,
Chennimalai Via,
Erode District.

-Petitioner.

Versus

1. The State of Tamilnadu rep. by
The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.
2. The Tamilnadu Water Resources
Conservation and Rivers Restoration
Corporation Ltd., rep. by its
Chairman and Managing Director,
Chennai - 600 009.
3. The Engineer in Chief,
Water Resources Department,
Chepauk,
Chennai - 600 005.
4. The District Collector,
Erode District,
Erode - 638 011.
5. The Superintending Engineer,
Water Resources Department,
Keel Bhavani Basin Division,
Erode - 638 011.

-Respondents.

WRIT PETITION

The Address for service on the petitioner for process is that of his counsel
M/s.N.Manokaran, R. Renukadevi and S.J. Mohamed Sathik, Advocates at No.
137, Law Chambers High Court Madras.104.

The Address for service on the Respondents for process and service of all
notices is that the same as mentioned as mentioned above.

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue Writ, Order of direction, specifically writ in the nature of WRIT OF MANDAMUS forbearing 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 LBP canal as per G.O. Ms. No. 276, dated 09.11.2020 passed by the 1st respondent, by depriving the riparian rights of the non- Ayacutdhars and drinking water sources of the villagers located on either side of the LBP canal which runs through Erode, Tiruppur and Karur Districts and pass such further suitable orders as this Hon'ble Court deems fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai this the 15th day of March, 2021

COUNSEL FOR THE PETITIONER.

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W.P.No.10419 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10419 of 2021
and W.M.P.No.11020 of 2021

M.Ravi

.. Petitioner

-VS-

- 1.The State of Tamilnadu,
rep. by The Principal Secretary
to Government, Public Works Department,
Secretariat, Chennai 600 009.
 - 2.The Tamilnadu Water Resources
Conservation and Rivers Restoration
Corporation Ltd., rep. by its
Chairman and Managing Director,
Chennai – 600 009.
 - 3.The Engineer in Chief,
Water Resources Department,
Chepauk, Chennai 600 005.
 - 4.The District Collector,
Erode District, Erode 638 011.
 - 5.The Superintending Engineer,
Water Resources Department,
Keel Bhavani Basin Division,
Erode 638 011.
- .. Respondents

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W.P.No.10419 of 2021

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Petition filed under Article 226 of the Constitution of India praying for issue of 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 LBP canal as per G.O. Ms.No.276, dated 09.11.2020 passed by the 1st respondent, by depriving the riparian rights of the non-Ayacutdhars and drinking water sources of the villagers located on either side of the LBP canal which runs through Erode, Tiruppur and Karur Districts.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.S.Rajagopal
Addl. Advocate-General
assisted by
Mr.V.Jayaprakash Narayanan
State Government Pleader

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of work undertaken for the renovation and modernisation of LBP Canal pursuant to G.O. Ms.No.276, Public Works (W1) Department, dated 09.11.2020, and the consequence thereof, with regard to the riparian rights of the non-Ayacutdhars.

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2. The petitioner asserts that the water from the LBP Canal is relied upon by the non-Ayacutdhars and such water which seeps from the aforesaid canal circulates into the neighbouring lands, wells, ponds, etc., and thereby increases the ground water table.

3. The State has issued G.O. Ms.No.276, dated 09.11.2020 for the purpose of extension, renovation and modernisation of the LBP canal with financial assistance from NABARD. As a consequence, it is stated that concrete plastering work has been carried out on the inner walls of the LBP canal and that this results in the sealing of the canal and thereby deprives persons such as the petitioner of the benefit of the water that seeps therefrom. In spite of carrying representations to the official respondents, it is stated that no remedial measures have been taken thus far.

4. Learned Additional Advocate-General, Mr.S.R.Rajagopal, assisted by Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of the respondents and states that the representation of the petitioner would be considered in proper

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W.P.No.10419 of 2021

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perspective and responded to within a defined time-frame.

5. Accordingly, without examining the merits of the matter, the petitioner is permitted to carry a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider and dispose of such representation by a reasoned order, which should be communicated to the petitioner within a period of eight weeks from the date of receipt of such representation.

W.P.No.10419 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.11020 of 2021 is closed.

(S.B., CJ.)

(S.K.R., J.)

28.04.2021

Index : No

sra

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To

- 1.The Principal Secretary to Govt. of Tamilnadu,
Public Works Department,
Secretariat, Chennai 600 009.
- 2.The Chairman and Managing Director,
Tamilnadu Water Resources
Conservation and Rivers Restoration
Corporation Ltd., Chennai – 600 009.
- 3.The Engineer in Chief,
Water Resources Department,
Chepauk, Chennai 600 005.
- 4.The District Collector,
Erode District, Erode 638 011.
- 5.The Superintending Engineer,
Water Resources Department,
Keel Bhavani Basin Division,
Erode 638 011.

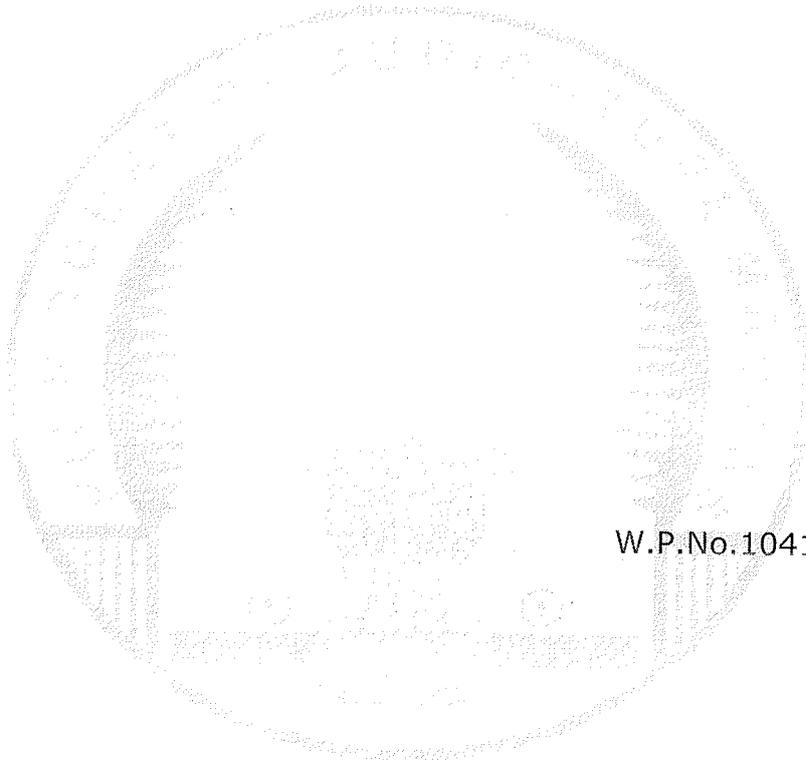
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W.P.No.10419 of 2021

The Hon'ble Chief Justice
and
Senthilkumar Ramamoorthy, J.

(sra)



W.P.No.10419 of 2021

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28.04.2021

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பொதுப்பணித்துறை,
தலைமைச் செயலகம்,
சென்னை-9.

கடித எண்.8685/எஸ்.1/2021-4, நாள்:28.02.2022.

அனுப்புநர்

டாக்டர் சங்கீப் சக்சேனா. இ.ஆ.ப.,
அரசு கட்டுதல் தலைமைச் செயலாளர்.

பெறுநர்

திரு M.இரவி,
த/பெ.முத்துசாமி,
அமைப்பாளர்,
கீழ்பவானி பாசன பாதுகாப்பு இயக்கம்
எண்:189, உப்பிலிபாளையம்,
K.G.வலசு அஞ்சல், சென்னிமலை வழி,
ஈரோடு மாவட்டம்-638051.

அய்யா,

பொருள்: திரு. M. இரவி - ஈரோடு மாவட்டம், கீழ்பவானி பிரதான கால்வாய்
விரிவாக்கம், புதுப்பித்தல், நவீனப்படுத்துதல் திட்டம் (ERM) தொடர்பாக
தொடரப்பட்ட நீதிமன்ற வழக்கு எண்: 10419 / 2021 - மாண்புமிகு உயர்நீதி
மன்ற தீர்ப்பின்படி மனுதாரரின் மனு பெறப்பட்டது - பதில் அனுப்புதல் -
தொடர்பாக.

பார்வை:

1. W.P.No. எண்: 10419 / 2021-ல் சென்னை உயர்நீதிமன்ற உத்தரவு
நாள் 28.04.2021
2. தங்களது மனு நாள் 10.05.2021.
3. முதன்மை தலைமைப் பொறியாளர் மற்றும் தலைமைப் பொறியாளர்
(பொது), நீர்வள ஆதாரத்துறை, சென்னை, கடித எண். எஸ் 7(5) /
56468 / ERM-LBP / உ.செ.பொ.6 / 2014, நாள்: 13.09.2021

*_*_*

பார்வையில் காணும் கடிதங்களின் மீது தங்களின் கவனம் ஈர்க்கப்படுகிறது. பார்வை
ஒன்றில் காணும் சென்னை உயர்நீதிமன்றத்தின் ஆணையின் அடிப்படையில், தங்களது

மனுவில் உள்ள கோரிக்கைகள் முதன்மை தலைமைப் பொறியாளர் மற்றும் தலைமைப் பொறியாளர் (பொது), நீர்வள ஆதாரத்துறை, சென்னை தெரிவித்துள்ள விபரங்களின் அடிப்படையில் பின்வருமாறு கூறியு செய்யப்பட்டது:

(1). பவானிசாகர் அணை மற்றும் அதன் கட்டமைப்புகள் :

கீழ்பவானி திட்டம் 1947-இல் ஒப்பளிக்கப்பட்டு 1948-இல் பணி துவங்கப்பட்டு 1955-இல் திட்டம் முழுமையாக முடிவற்று பயன்பாட்டிற்கு வந்துள்ளது. பவானி ஆறும், மோயாரும் கலக்குமிடத்தில் கீழ்பவானி அணை கட்டப்பட்டுள்ளது. பவானி ஆறு மற்றும் கீழ்பவானி பிரதான கால்வாயின் மூலம் பின்வரும் மூன்று பாசனத்திட்டங்கள் பாசனப் பயன்பெறுகின்றன :

ஆயக்கட்டு

1) கொடிவேரி அணைக்கட்டு	
அரக்கன் கோட்டை மற்றும்	
தடப்பள்ளி வாய்க்கால்	- 24,504 ஏக்கர்
2) காலிங்கராயன் அணைக்கட்டு	- 15,743 ஏக்கர்
3) கீழ்பவானி பிரதான கால்வாய்	-2,07,000 ஏக்கர்
4) மொத்தம்	-2,47,247 ஏக்கர்

(2). கீழ்பவானி பிரதானக் கால்வாய் :

பவானிசாகர் அணையிலிருந்து கீழ்பவானி பிரதானக்கால்வாய் 200 கிலோ மீட்டர் நீளத்திற்கு அமைக்கப்பட்டுள்ளது. (124 மைல் 6 பர்லாங்) இந்த கால்வாய் மூலம் ஈரோடு, திருப்பூர் மற்றும் கரூர் ஆகிய மாவட்டங்களில் 207000 ஏக்கர் நிலங்கள் பாசன வசதி பெறுகின்றன. 300 கிலோ மீட்டர் நீளத்திற்கு கிளை வாய்க்கால்களும், 1900 கிலோ மீட்டர் நீளத்திற்கு பகிர்மானக் கால்வாய்களும் பாசனத்திற்காக அமைக்கப்பட்டுள்ளது.

இவ்வமைப்பானது முறை நீர் பாசனம் என்ற வகையில் 207000 ஏக்கரில் சரி பாதியான 103500 ஏக்கர் ஓர் ஆண்டும் மற்றொரு 103500 ஏக்கர் பாசனம் இரண்டாம் ஆண்டும் என்ற அடிப்படையில் 57 ஆண்டுகளுக்கு முன்னரே நீர் வழங்க அரசாணை எண். 2367, வருவாய்துறை நாள்: 21.09.1964-இல் ஆணை வெளிடப்பட்டுள்ளது.

(3). கொடிவேரி அணைக்கட்டு:

இவ்வணைக்கட்டு கீழ்பவானி அணையிலிருந்து 32 கிலோ மீட்டர் தொலைவில் கொடிவேரி கிராமத்தில் அமைந்துள்ளது. அணைக்கட்டின் வலதுபுறம் தடப்பள்ளி வாய்க்காலும், இடதுபுறம் அரக்கன்கோட்டை வாய்க்காலும் பிரிகின்றன. இந்த வாய்க்கால்களின் மூலம் 24504 ஏக்கர் நிலங்கள் பாசன வசதி பெறுகின்றன.

(4). காலிங்கராயன் அணைக்கட்டு:

(அ) பவானி ஆறு காவிரியுடன் கலக்குமிடத்திற்கு முன்பாக காலிங்கராயன்பாளையத்தில் 760 ஆண்டுகளுக்கு முன்பு காலிங்கராயன் என்பவரால் இந்த அணை கட்டப்பட்டது. இந்த வாய்க்கால் மூலம் 15743 ஏக்கர் நிலங்கள் பாசன வசதி பெறுகின்றன.

(ஆ) இவற்றுள் கீழ்பவானி பிரதானக் கால்வாயின் பாசன முறையானது வடிவமைக்கப்பட்ட வாய்க்காலின் தன்மை, அமைப்பு ரீதியாகவே 200 கிலோ மீட்டர் நீளம் முழுவதும் இடது புறக்கரைகளிலேயே தலை மதகுகள் அமையப்பெற்றுள்ளன.

(இ) கீழ்பவானி பாசனத்தில் 207000 ஏக்கர் நிலங்கள் சரிபாதியாக பிரிக்கப்பட்டு 103500 ஏக்கர் விதமாக முதலாம் மண்டலத்திற்கு முதல் போக பாசனமாக விதிவகுக்கப்பட்டது.

15 முதல் டிசம்பர் 15 வரையிலும் நன்செய் பயிர்களுக்கும், இரண்டாம் போக பாசனமாக டிசம்பர் 15 முதல் மார்ச் 15 வரையில் புன்சென் பயிர்களுக்கும் முதல் வருடத்திலும், இரண்டாம் வருடத்தில் இரண்டாம் மண்டலத்திற்கு முதல் போக பாசனம் ஆகஸ்ட் 15 முதல் டிசம்பர் - 15 வரையில் நன்செய் பயிர்களுக்கும், இரண்டாம் போக பாசனம் டிசம்பர் 15 முதல் மார்ச் 15 வரை புன்செய் பயிர்களுக்கும் நீர் வழங்கப்பட்டு வருகிறது. இவற்றில் அணையின் நீர் இருப்புக்கு ஏற்றவாறு தலைமைப் பொறியாளர், நீர்வள ஆதாரத்துறை, கோவை மண்டலம் அவர்களின் வரம்பினுள் 15 நாட்கள் நீர் வழங்கலை நீட்டித்தும் பாசன நீர் வழங்கப்படுகிறது. ஆண்டுதோறும் அணையின் நீர் இருப்பினை பொறுத்து ஒரு வருடத்தில் 8 ½ மாதங்கள் வரை பாசனத்திற்கு நீர் வழங்கப்படும்.

(ஈ). அன்றைய கால கட்டத்தில் கீழ்பவாணி பிரதான கால்வாய் கட்டுமானத்தின் பொழுதே மண்சார்ந்த நவீன இயந்திரங்களின் பற்றாண்மையால் கட்டுமானத்தில் சிக்கன முறை கடைப்பிடித்ததாலும் அருகாமையில் கால்வாயின்கரை உருவாக்கத்திற்கு ஏற்ற மண்கிடைக்காதபடியினால் ஆங்காங்கே பாசனப்பகுதியில் கிடைத்த மண்ணைக் கொண்டு கால்வாயின் கரைகள் அமையப்பெற்றுள்ளது. மேலும், கால்வாயின் பெரும்பான்மையான பகுதி மண் கரைகளாகவே உள்ளன. இவற்றினை கருத்திற்கொண்டு தோராயமாக கால்வாய் அமைக்கும் பொழுது நீர்க்கசிவு 33.33% என்ற அடிப்படையில் கணக்கிடப்பட்டுள்ளது. தற்பொழுது சுமார் 66 வருட பயன்பாட்டினால் மண் கரையின் நுண்துகள்கள் (Silt) கசிவு நீரினால் எடுத்து செல்லப்பட்டு கசிவுத்திறன் (Porosity) அதிகரித்து, கசிவு நீரின் அளவானது தோராயமாக 40 முதல் 50 சதவீதம் வரை கூடியிருக்கும் என் அனுமானிக்கப்படுகிறது. இதனால் கடை கோடிவரை நீர் சென்றடைய மிகுந்த சிரமம் ஏற்படுகிறது. குறிப்பாக நடவு செய்யும் காலங்களில் நீர் தேவை அதிகமாக இருக்கும். அப்பொழுது சம்மந்தப்பட்ட கிளை வாய்க்கால்களில் முறை வைத்து பாசனம் செய்தால் மட்டுமே கடைக்கோடிவரை நீர் கொண்டு செல்லும் நிலை உள்ளது.

(உ) இருப்பினும், இந்நிகழ்வில் ஆயக்கட்டு சாராதவர்கள் வலது புறக்கரை மற்றும் இடது புறக்கரைகளிலும் ஏற்படும் அதிகமான நீர் கசிவினை தொடர்ந்து 8 ½ மாதங்களும் பயன்படுத்தும் சூழ்நிலை ஏற்படுகிறது. இவற்றினை சீர் செய்து புனரமைப்பு செய்து கடைமடை வரை நீர் கொண்டு செல்ல இத்திட்டம் 2009ஆம் ஆண்டில் வல்லுநர் குழு திரு. A. மோகனகிருஷ்ணன், தலைவர் காவேரி தொழில்நுட்ப குழு அவர்களின் தலைமையில் தோற்றுவிக்கப்பட்டது. இக்குழுவின் பல்வேறு பரிந்துரைகளின் அடிப்படையில் திட்ட மதிப்பீடுகள் தயாரிக்கப்பட்டுள்ளது. கால்வாயில் லைனிங் அமைக்க வல்லுநர் குழு பரிந்துரைத்திருந்தது. ஆனால், தற்பொழுது இத்திட்டமதிப்பீட்டில் கால்வாயின் தரைத்தளம் கான்கிரீட் தளமாக அமைக்க உத்தேசிக்கப்படவில்லை. வலுவிழந்த கரைகளை பலப்படுத்தும் விதமாக ஆங்காங்கே பவலீனமான இடங்களில் மட்டும் சிலேப் கற்கள் பதித்திடவும், மிகவும் வலுவிழந்த நிலையில் உள்ள கரைகளில் தடுப்புசுவர் கட்டிடவும் உத்தேசிக்கப்பட்டுள்ளது.

(உஈ). இத்திட்டத்தின் பிரதான நோக்கம் வலுவிழந்த கரைகளை வலுப்படுத்தலும், பழுதடைந்த கட்டுமானங்களை புதுப்பித்தலும் மட்டுமே. இது தவிர கசிவுநீரை தடுக்கும் விதமாக கால்வாய் முழுவதும் லைனிங் செய்யும் திட்டமாக திட்ட மதிப்பீடு ஒப்பளிக்கப்படவில்லை.

(5). இத்திட்டத்தில் தற்பொழுது உத்தேசித்துள்ள பணிகள் விபரம் பின்வருமாறு தெரிவிக்கப்படுகிறது:

(1). கீழ்பவாணி திட்ட பிரதான கால்வாய் மற்றும் கிளைக்கால்வாய்கள் :

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பிரதானக் கால்வாய்:

1. மதகுகள் சீரமைப்பு செய்தல்	- 86 எண்கள்
2. மதகுகள் மறுகட்டுமாணம் செய்தல்	-7 எண்கள்
3. பாலம் சீரமைப்பு செய்தல்	- 1 எண்
4. பாலம் கட்டுமாணம் செய்தல்	- 14 எண்கள்
5. மழைநீர்வடிகால் கட்டிடம் (DC) சீரமைப்பு செய்தல்	-120 எண்கள்
6. மழைநீர்வடிகால் கட்டிடம் (DC) மறுகட்டுமாணம் செய்தல்	-10 எண்கள்
7. கால்வாய்பாலம் (Aqueduct) மறுகட்டுமாணம் செய்தல்	-2 எண்கள்
8. சீராக்கி (Regulator) சீரமைப்பு செய்தல்	- 2 எண்கள்
9. கால்வாய்பாலம் (Aqueduct) சீரமைப்பு செய்தல்	- 6 எண்கள்
10. குமிழிபாலம் (Canalsyphon) சீரமைப்பு செய்தல்	- 1 எண்
11. கால்வாய்பாலம் மற்றும் வெள்ளநீர்போக்கி (Aqueduct cum outlet) சீரமைப்பு செய்தல்	- 1 எண்
12. கரைகளை பலப்படுத்துதல்	-65.37 கி.மீ.

(ii).கிளைக்கால்வாய்கள்:

1. மதகுகள் மறுகட்டுமாணம் செய்தல்	-166 எண்கள்
2. மதகுகள் சீரமைப்பு செய்தல்	-19 எண்கள்
3. கால்வாய் இறக்கம் (Drop) மறுகட்டுமாணம் செய்தல்	- 164 எண்கள்
4. கால்வாய் இறக்கம் (Drop) சீரமைப்பு செய்தல்	-76 எண்கள்
5. சீராக்கி (Regulator) மறுகட்டுமாணம் செய்தல்	- 9 எண்கள்
6. சீராக்கி (Regulator) சீரமைப்பு செய்தல்	-10 எண்கள்
7. சிறுபாலம் மறுகட்டுமாணம் செய்தல்	-57 எண்கள்
8. சிறுபாலம் சீரமைப்பு செய்தல்	-2 எண்கள்
9. கரைகளை பலப்படுத்துதல்	-121.93 கி.மீ.

(iii).தாராபுரம் கட்ட

(அ) கடந்த 07.04.1999 அன்று தமிழ்நாடு சட்டப்பேரவையில் நடைபெற்ற பொதுப்பணித்துறை மாணியக் கோரிக்கை மீதான விவாதத்தின் போது மாண்புமிகு பொதுப்பணித்துறை அமைச்சர் அவர்கள், கீழ்பவாணி வாய்க்காலின் மொத்த ஆயக்கட்டு 2 இலட்சத்து 7 ஆயிரம் ஏக்கர் எனவும், அனை கட்டப்பட்ட நேரத்தில் தண்ணீரை தாராபுரம் எல்லை வரை கொண்டு செல்லவேண்டும் என்பதற்காக, கீழ்பவாணி பாசன திட்டத்தில் உள்ள பாசன நிலங்களில் 12% சதவீதம் நிலங்களை ஆயக்கட்டில் இருந்து நீக்கிவிட்டனர். இப்படி நீக்கப்பட்ட பகுதிகளை தாராபுரம் கட்ட என அழைத்தார்கள். அப்படி நீக்கப்பட்ட நிலங்களின் பரப்பு சுமார் 23000 ஏக்கர் ஆகும்.

(ஆ) தாராபுரம் கட்ட ஆல் பாதிக்கப்பட்ட விவசாயிகள் தங்கள் நிலத்தை மீண்டும் சேர்த்துக்கொள்ள வேண்டும் என்று அரசிடம் நீண்ட காலமாக கோரிக்கை வைத்து வருகின்றனர் எனவும் இவற்றை ஆராய்ந்த தமிழக அரசு

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23000 ஏக்கர்களை கீழ்பவாணி ஆயக்கட்டில் சேர்த்துக்கொள்ள வேண்டும் என்று முடிவெடுத்துள்ளதாக அறிவித்துள்ளார்.

- (இ). இவ்வாறு 'தாராபுரம் கட்ட நிலங்களை மீண்டும் சேர்க்கும் பட்சத்தில் அப்பகுதிகளுக்கும் தேவையான நீர் வழங்க ஏதுவாக, மேற்படி பிரதான வாய்க்கால்களையும், அதில் உள்ள மதகுகள், தொட்டி பாலங்கள் போன்ற கட்டமைப்புகளை சீரமைக்கும் பணிகளை செய்தால் மட்டுமே "தாராபுரம் கட்ட" நிலங்களை மீண்டும் ஆயக்கட்டில் சேர்த்து தண்ணீர் விநியோகம் செய்ய இயலும். இதனால் வேளாண் உற்பத்தி திறனும் அதிகரிக்கும்.
- (ஈ). மேலும், தற்போது நிலவி வரும் உலகளாவிய காலநிலை வேறுபாட்டினால் பருவமழை எல்லா வருடங்களிலும் சீராக பெய்வதில்லை. இதனால் பவானிசாகர் அணைக்கு வரும் நீர் வரத்தும் ஆணைத்து வருடங்களிலும் சீராக இருப்பதில்லை. எனவே வறட்சி காலங்களிலும் ஏற்கனவே உள்ள ஆயக்கட்டு நிலங்களுக்கு தடையின்றி நீர் வழங்க தற்போதுள்ள பாசன கால்வாயின் அதிகப்படியான நீர் கசிவை தடுப்பது இன்றியமையாததாகும். இதனால் நீர் கடத்தும் திறன் மேம்பட்டு நீர் விநியோகம் சிறப்பும். ஆனால் இதனை தவிர்த்து மனுதாரர் நவீனப்படுத்தும் திட்டத்தினையே கைவிடுமாறு கோருவது ஏற்படையதல்ல.

(iv).வலதுகரை :

- (அ). கீழ்பவாணி பிரதானக் கால்வாயில் 124 மைல் (200 கிலோ மீட்டர்) வரை, இடது புறக்கரைகளில் மட்டுமே தலை மதகுகள் மற்றும் கிளை வாய்க்கால்கள் திட்ட தொடக்க காலத்திலேயே அமைக்கப்பட்டுள்ளது. இப்பகுதியின் பூகோள அமைப்பு ரீதியாக கால்வாயின் சமமட்ட அளவில் கொண்டு செல்லப்பட்டுள்ளது. இதன் ஆரம்ப கால வடிவமைப்பு இவ்வாறு உள்ள நிலையில் கசிவுநீர், வடிவமைத்த அளவுக்கு கூடுதலாக செல்வதனால் அவற்றினை வருடம் முழுவதும் ஆயக்கட்டு அல்லாத விவசாயிகள் பயன்படுத்தி வருகிறார்கள். இக்கசிவுநீரை தங்களது உரிமையாக்கவேண்டி கோரிக்கை வைத்தும் வருகின்றனர். இவ்வாறு கசிவுநீர் விவசாயம் முக்கியத்துவம் பெறுமேயானால் வாய்க்கால் ஆயக்கட்டுதாரர்கள் மிகவும் நலிவுற வேண்டிய நிலை ஏற்படும்.
- (ஆ). கீழ்பவாணி பாசனத் திட்டமானது ஆயக்கட்டுதாரர்களையே கருத்திற்கொண்டு வடிவமைக்கப்பட்ட திட்டம் ஆகும். மேலும் கீழ்பவாணி பாசனக் கால்வாயின் வலதுகரையில் உள்ள நிலங்களுக்கு பாசன வசதி ஏதும் ஆரம்பகால திட்ட வடிவமைப்பிலேயே வழிவகை செய்யப்படவில்லை. எனவே வலது கரையில் உள்ள நிலங்களுக்கு நீர் வழங்க சாத்தியக்கூறு இல்லை.
- (இ). கடந்த 2009 ஆம் வருடம் அன்றைய தமிழக அரசால் சட்ட சபையில் கீழ்பவாணி கால்வாய் திட்டத்தை புனரமைப்பதாக அறிவிக்கப்பட்டு, பொறியியல் வல்லுநர் திரு.அ.மோகனகிருஷ்ணன் தலைமையில் கீழ்பவாணி திட்ட பிரதான வாய்க்காலினையும் மற்றும் கிளை வாய்க்காலினையும் காண்கிரீட் தளம் அமைத்து புனரமைக்கும் திட்டத்தினை கூர்ந்தாய்வு செய்து அறிக்கை அளித்திட தமிழ்நாடு அரசு பணித்தது. வல்லுநர் குழு ஏகோபித்த கருத்தாக பிரதானக்கால்வாய் 124 மைல் முழுவதும் லைனிங் செய்து புனரமைக்க பரிந்துரை செய்துள்ளது.
- (ஈ). கீழ்பவாணி திட்டமானது முழுமையாக வரையறுக்கப்பட்ட விவசாய நிலங்களுக்கு முறைப்படி அளவிட்டு பாசனத்திற்கு நீர் வழங்கும் திட்டமேயொழிய, குடிநீர் ஆதாரத்தை பெருக்கும் திட்டமோ, குடிநீருக்கான ஏரிகளுக்கு நீர் வழங்கும் திட்டமோ அல்ல.
- (உ). மேலும், இத்திட்டத்தின் தற்போதைய நோக்கம் கடந்த 66 ஆண்டுகளாக பயன்பாட்டில் இருந்து வந்த மண்கரை கால்வாய், சிதிலமடைந்த கட்டுமானங்கள், வளைந்து நெளிந்த

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சரிவர இயக்கம் செய்யமுடியாத மதகுகள், உடைந்த பழுதடைந்த தொட்டி பாலங்கள், விவசாய நிலங்களிலிருந்து பிறிதொரு நிலங்களுக்கு விவசாய விளைபொருட்களை கொண்டு செல்ல ஏதுவாக வலுவிழந்த பாலங்களை செப்பணிதும் பணிகளை உள்ளடக்கியதாகும். இப்பணிகளை செயல்படுத்த விரிவாக்குதல், புனரமைத்தல் மற்றும் நவீனப்படுத்தும் (Extension, Renovation, and Modernization (ERM)) திட்டமானது, அரசாணை எண்: G.O(Ms).No.276, Public Works(W1) Dept., Dt:09.11.2020-ல் நிர்வாக ஒப்புதல் வழங்கப்பட்டுள்ளது.

(உா). மேலும், மண்கரையானது தனது நீண்டகால செயல்பாட்டினால் அதன் தன்மை, அளவுகள் மாறியும், பலமிழந்து உரிய கடத்தும் திறனை தற்பொழுது இழந்தும் உள்ளது. அதனால், உரிய காலத்திற்குள் செப்பணிதும் பணியினை முடிக்காவிடில் இக்கால்வாயின் மூலம் பாசனத்திற்கு நீர் வழங்குவது மிகப்பெரிய சிரமங்களை எதிர் நோக்க வேண்டியவரும் என்பதில் ஐயப்பாடு ஏதுமில்லை ..

(6). 34 கசிவுநீர் பாசனத் திட்டம்:

கீழ்வாணி பாசனத்திட்டத்தில், தற்பொழுது 34 கசிவுநீர் திட்டங்கள் செயல்பாட்டில் உள்ளன. இத்திட்டங்களுக்கு பிரதான நீர் ஆதாரம் பாசனப் பகுதியிலிருந்து வெளியேறும் கசிவுநீராகும். தற்பொழுது செயல்படுத்தப்படும் திட்டத்தினால், இந்த 34 கசிவுநீர் திட்டங்களுக்கு கிடைக்கும் நீரின் அளவு எந்த விதத்திலும் குறையாது.

(7). மாசுபட்ட நொய்யல் ஆறு பெருந்துறை சிப்காட் கழிவு:

நொய்யல் உபவடிநிலம் ஒரு தனி ஆற்று கட்டமைப்பாகும். நொய்யல் ஆற்று கட்டமைப்பு மேற்குத்தொடர்ச்சி மலையில் உருவாகி 158-35 கிலோ மீட்டர் பயணித்து நொய்யல் என்னும் கிராமத்தில் காவேரி ஆற்றுடன் கலக்கிறது. இக்கட்டமைப்பிற்கென 28 அணைக்கட்டுகள், 32 குளங்கள் பிரத்யேகமாக உள்ளது. இவற்றில் ஏற்படும் மாசு மற்றும் சாயக்கழிவுகள் கலத்தலை கண்காணிக்கவும், தடுக்கவும், தொடர் நடவடிக்கை மேற்கொள்ளவும் தமிழ்நாடு மாசு கட்டுப்பாட்டு வாரியம் நடவடிக்கை மேற்கொண்டு வருகிறது. நொய்யல் ஆறு சுமார் 70 கி.மீ கடந்து வந்த பிறகு நொய்யல் ஆற்றில் கீழ்வாணி கால்வாயின் கசிவுநீர் கலப்பதால் மாசு குறையும் என மனுதாரர் கூறுவது ஏற்புடையதல்ல. காவேரி மற்றும் நொய்யல் உள்ளிட்ட காவேரி உபவடிநில ஆறுகளின் மாசுனை கட்டுப்படுத்த நடந்தாய் வாழி காவேரி என்னும் திட்டம் செயல்படுத்தப்பட உள்ள நிலையில், தற்பொழுது அது தொடர்பாக விரிவான அறிக்கை தயாரிக்கப்பட்டு வருகிறது. மேற்படி திட்டம் செயலாக்கத்திற்கு வரும்பொழுது மனுதாரரின் கோரிக்கை நிறைவேறும்.

(8). வெள்ளோடு பறவைகள் சரணாலயம்:

வெள்ளோடு பறவைகள் சரணாலய குளத்திற்கு நீர் கொண்டு செல்லும் திட்டம் புதிய திட்டமாக தற்பொழுது ஆய்வுக்கு எடுத்துக் கொள்ளப்பட்டு தொடர் நடவடிக்கையில் உள்ளது. இத்திட்டம் செயல்படுத்தப்படும் பொழுது மனுதாரரின் கோரிக்கை நிறைவுறும்.

(9). 65 ஆண்டு பழமையான மரங்கள் மற்றும் சுற்றுச்சூழல் -

மேற்படி திட்டத்தில் கால்வாயின் நீர் போக்கிற்கு இடையூறாக உள்ள மரங்களை மட்டும் உரிய அரசு விதிமுறைகளை, பின்பற்றி, வருவாய் கோட்டாட்சியர் அனுமதி பெற்று இடம் பெயர்த்து மாற்று இடத்தில் அமைக்க மட்டுமே உத்தேசிக்கப்பட்டுள்ளது. மேலும் இத்திட்டத்திலேயே நீர்வள ஆதாரத்துறையின் காலி நிலங்களை கண்டறிந்து அவற்றில் வனத்துறையுடன் இணைந்து புதிய மரக்கன்றுகளை நடும் திட்டத்திற்கு இம்மதிப்பீட்டிலேயே உரிய ஒதுக்கீடு ஏற்படுத்தப்பட்டுள்ளது. எனவே இத்திட்டத்தின் மூலம்

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சுற்றுப்புற சூழ்நிலையின் தன்மை உயர்த்தப்படுமெயொழிய சூழ்நிலையில் பாதிப்புகள் ஏதும் ஏற்படாது.

2. தங்களின் கோரிக்கைகளும் அதன் மீதான பதிலுரைகளும் பின்வருமாறு:

கோரிக்கை : 1	நீர் நிர்வாகம் பார்க்கும் பொதுப்பணித்துறை கடை உழியர்கள் தற்காலிக பணியாளர்கள் அவர்கள் ஒரு சில பகுதிகளிலுள்ள விவசாய மக்களிடம் இணாம் பெற்றுக்கொண்டு சூடுதல் தண்ணீரை கிளை வாய்க்காலில் திறந்துவிடுகிறார்கள். தற்காலிக பணியாளர் என்பதால் அவர்கள் மீது துறை நடவடிக்கை எடுக்க முடியாது. ஆகவே நிரந்தர பணியாளர்களை நியமித்து நீர் நிர்வாகம் செய்ய வேண்டும்.
பதில்	நிரந்தர பணியாளர்களை நியமிக்கவும், காலிப் பணியிடங்களை அரசு விதிமுறைகளின்படி கடை நிலை உழியர்களை நியமித்திடவும் கோரும் மனுதாரரின் கோரிக்கை பரிசீலனை செய்யப்படும்.
கோரிக்கை : 2	கீழ்வாணி பாசன திட்டத்தில் உள்ள 2,07,000 ஏக்கர் பாசன உரிமை பெற்ற பாசன பூமிகளில் எண்ணற்ற கல்லூரிகள், பள்ளிகள், தொழிற்சாலை வீட்டு மனைகள் இன்னும் பிற பயன்பாட்டிற்காக சுமார் 25,000 ஏக்கர் பரப்பளவு உள்ள பாசன பூமியில் கட்டிடங்கள் உள்ளதால் நீர் பாசனம் செய்யப்படுவது இல்லை. மேற்படி பாசன பூமியில் உள்ள பாசனம் செய்ய முடியாத விவசாய பயன்பாட்டிற்கு இல்லாத நிலங்களை கீழ்வாணி பாசன திட்டத்திலிருந்து உடனடியாக நீக்கம் செய்து நீர் மேலாண்மையினை சரி செய்ய வேண்டுகிறோம்.
பதில்	நகரமயமாதலால் தற்போது நிலையிலுள்ள ஆயக்கட்டிடல் உள்ள கட்டுமானங்களை கருத்தில் கொண்டு அப்பகுதிகளை ஆயக்கட்டிடல் இருந்து நீக்கம் செய்திடவும், விடுபட்டுப்போன "தாராபுரம் கட்ட" போன்ற ஆயக்கட்டு நிலங்களை மீண்டும் சேர்த்திடவும் வருவாய்த்துறை ஆவணங்களின் அடிப்படையிலும் வருவாய்த்துறையினரின் மூலம் குழு அமைத்து தொடர் நடவடிக்கை மேற்கொள்வது குறித்து பரிசீலனை செய்யப்படும்.
கோரிக்கை : 3	வாய்க்கால் கரைகளில் உள்ள ஒரு சில (மதகு) ரெகுலேட்டர் கட்டுமானம் பழுதடைந்து உள்ளதால் அவைகளை பழுது நீக்கம் வேண்டுகிறோம்.
பதில்	மேற்காண் மனுதாரர் குறிப்பிடும் பணிகள் ஒப்பளிக்கப்பட்ட மதிப்பீட்டிலேயே இடம் பெற்றுள்ளது. பணிகளுக்கு தடையேதும் ஏற்படாவண்ணம் இருக்கும் பட்சத்தில் மற்ற பணிகளுடன் செய்து முடிக்க நடவடிக்கை மேற்கொள்ளப்படும்.
கோரிக்கை : 4	கால்வாயில் தண்ணீர் திறக்கப்படும் பொழுது தண்ணீர் கடைமடை சென்ற பின்பே கிளைகால்வாயில் தண்ணீர் திறக்க வேண்டும். ஆனால் சில

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	இடங்களில் தற்காலிக பணியாளர்கள் பொறுப்பற்ற முறையில் கடைமடை தண்ணீர் செல்வதற்கு முன்னதாகவே தண்ணீர் திறந்து விட்டு கடைமடை பகுதிக்கு தண்ணீர் செல்வதில் சரியாக நீர் நிர்வாகம் செய்வதில்லை
பதில்	சம்மந்தப்பட்ட பிரிவு அலுவலர்களால் கடைநிலை ஊழியர்களின் செயல்பாடுகள் உரிய முறையில் கண்காணிக்கப்பட்டு விதிகளின்படி நீர் பாசனமும், நீர் நிர்வாகமும் மேற்கொள்ளப்பட்டு வருகிறது.
கோரிக்கை : 5	மனித தவறுகள் நிகழாத வண்ணம் பொறுப்பான நிரந்தர பணியாளர்களை கொண்டு நீர் மேலாண்மை செய்ய வேண்டும். கால்வாயின் கரைகள் சரியாக பராமரிக்கப்படாததால் மழைநீர் வாய்க்காலில் விழுந்து சேறு நிரம்பி உள்ளது. தற்போது வரை கூட கால்வாயில் மக்கள் துணிக்கழிவுகள் பல ஆயிரம் டன் கணக்கில் உள்ளது. மேற்படி சேறு, துணிக்கழிவுகளை நிரம்பி இயல்பான நீரோட்டம் பாதிக்கப்பட்டு கால்வாயில் நீர்மட்டம் உயர்கிறது. மேற்படி சேறு துணிக்கழிவுகளை முழுவதும் அகற்றி சுத்தம் செய்வதன் மூலம் நீர் செல்லும் அளவுகளை முறைப்படுத்தி அனைவருக்கும் சமமான, சரியான நேரத்தில் தண்ணீர் வழங்கலாம்.
பதில்	தங்கு தடைகளின்றி இத்திட்டத்தினை செயல்படுத்தப்படும் பொழுது மனுதாரரின் கோரிக்கைகளை நிறைவேற்றி மதிப்பீட்டில் ஒப்பளிக்கப்பட்டவாறு பணிகள் மேற்கொள்ள நடவடிக்கைகள் மேற்கொள்ளப்படும்.
கோரிக்கை : 6	கீழ்பவாணி பாசனத்திட்டத்தில் உள்ள தலைமைக்கால்வாய் எந்த வருடம் முழுமையாக தூர்வாரப்பட்டது. தூர்வார ஒதுக்கப்பட்ட தொகை பொதுப்பணித்துறையிடம் இல்லை
பதில்	மனுதாரர் கோரிக்கை ஏதும் வைக்கவில்லை
கோரிக்கை : 7	0.0.373 மைல் 124.2560 மைல் வரை உள்ள பிரதானக்கால்வாயில் இருகரைகளில் எந்த இடங்களில் எந்த தேதியில் எத்தனை மண்பரிசோதனை செய்யப்பட்ட விபரமும் மண் ஆய்வு முடிவுகளும் பொதுப்பணித்துறையிடம் இல்லை. எதன் அடிப்படையில் மண் உண்மை தன்மை இழந்துவிட்டது என திட்ட அறிக்கையில் கூறுவது தவறான தகவல்.
பதில்	பொறிஞர் திரு. A. மோகனகிருஷ்ணன் தலைமையில் வல்லுநர்குழு அமைக்கப்பட்டு, அக்குழுவின் பரிந்துரையின்படியே மதிப்பீடு தயாரிக்கப்பட்டுள்ளது.
கோரிக்கை : 8	கோயம்புத்தூர், திருப்பூர் மாவட்டங்களில் உள்ள பி. ஏ. பி பாசன திட்டத்தில் ஏற்கனவே கான்கிரீட் கால்வாய் அமைத்தால் பாசன திட்டமும், நிலத்தடி நீர் செரிவூட்டுதலும் தோல்வி கண்டுள்ளது.

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பதில்	<p>பி.ஏ.பி பாசன் திட்டம் முழுவீச்சில் செயல்பட்டு கொண்டு உள்ளது. இதில் மனுதாரரின் கோரிக்கை ஏதும் இல்லை. நீண்டதொரு ஆய்வுக்குப்பின் பல்வேறு உயர் அலுவலர்களின் கள ஆய்வின் கருத்தின்படியும், பொறிஞர். ஆ.மோகனகிருஷ்ணன், தலைவர், காவேரி தொழில்நுட்ப குழுத்தலைவர் மற்றும் இத்திட்டத்தின் ஆரம்ப கட்டுமான காலத்தில் பணியாற்றிய பெருமைமிகு பொறியாளர் அவர்களின் பரிந்துரை அடிப்படையிலேயே மதிப்பீடு தயாரிக்கப்பட்டுள்ளது. கீழ்பவானி பிரதான கால்வாய் முழுவதும் லைனிங் செய்யப்பட வேண்டும் என வல்லுநர் குழு பரிந்துரைத்துள்ளதை மனுதாரர் கருத்தில் கொள்ள வேண்டும்.</p>
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3. தங்களின் கோரிக்கையானது இந்த திட்டத்தின் பிரதான நோக்கமான மேற்கூறிப்பட்ட 247247 ஏக்கர் நிலங்களின் நலனை சிதைப்பதாக உள்ளது. இந்த விரிவாக்குதல், புனரமைத்தல் மற்றும் நவீனப்படுத்தும் (Extension, Renovation, and Modernization (ERM)) திட்டமானது, அரசாணை எண் G.O (Ms) No. 198, PW(S1) Dept, Dated: 11.09.2009-ன்படி "Modernization of Main and Branch Canals including lining of the Lower Bhavani Project" என்ற திட்டத்தை செயல்படுத்த வல்லுநர் குழு அமைக்கப்பட்டு அந்த குழுவின் பரிந்துரையின் அடிப்படையில் செயலாக்கத்திற்கு கொண்டுவரப்பட்டுள்ளது. மேலும், இக்குழுவின் அறிக்கையில் Volume (I)-ல் (Objective of the Modernization Scheme என்ற தலைப்பின் கீழ்) Page No.46, Para- 3.28-ல் "While dealing with Hydrology in Chapter II, it has been explained as how the Bhavani Sub basin already strained with heavy load of irrigation demand for both old and new irrigation. We are bound to think in terms of saving water as much as possible in this system both through physical improvements and also improvements in operation and maintenance" எனக் குறிப்பிட்டுள்ளதை கவனத்தில் கொண்டு தற்பொழுது செயல்படுத்தப்படும் ERM திட்டம் வடிவமைக்கப்பட்டுள்ளது.

4. மேற்கண்ட விவரங்களின் அடிப்படையிலும், 1955ஆம் ஆண்டு முதல் தொடர்ந்து பயன்பாட்டில் உள்ள கீழ்பவானி பாசனத்திட்டத்தினை நல்ல முறையில் பேணி எதிர்கால சந்ததியினருக்கு அதன் செயல்திறன் குன்றாமல் பாதுகாக்க, ERM திட்டத்தினை செம்மையாக நிறைவேற்றப்பட வேண்டியுள்ளதாலும், கான்கிரீட் மற்றும் சிலாப் கல் கொண்டு நவீனப்படுத்தும் திட்டம் கைவிடப்பட வேண்டும் என்ற தங்களின் கோரிக்கை ஏற்க இயலாது என்பதை தங்களுக்கு தெரிவித்துக் கொள்ளப் பணிக்கப்பட்டுள்ளேன்.

தங்கள் உண்மையுள்ள,

அரசு கூடுதல் தலைமைச் செயலாளருக்காக.

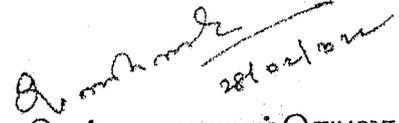
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Bhavani Project" என்ற திட்டத்தை செயல்படுத்த வல்லுநர் குழு அமைக்கப்பட்டு அந்த குழுவின் பரிந்துரையின் அடிப்படையில் செயலாக்கத்திற்கு கொண்டுவரப்பட்டுள்ளது. மேலும், இக்குழுவின் அறிக்கையில் Volume (I)-ல் (Objective of the Modernization Scheme என்ற தலைப்பின் கீழ்) Page No.46, Para- 3.28-ல் "While dealing with Hydrology in Chapter II, it has been explained as how the Bhavani Sub basin already strained with heavy load of irrigation demand for both old and new irrigation. We are bound to think in terms of saving water as much as possible in this system both through physical improvements and also improvements in operation and maintenance" எனக் குறிப்பிட்டுள்ளதை கவனத்தில் கொண்டு தற்பொழுது செயல்படுத்தப்படும் ERM திட்டம் வடிவமைக்கப்பட்டுள்ளது.

4. மேற்கண்ட விவரங்களின் அடிப்படையிலும், 1955ஆம் ஆண்டு முதல் தொடர்ந்து பயன்பாட்டில் உள்ள கீழ்பவானி பாசனத்திட்டத்தினை நல்ல முறையில் பேணி எதிர்கால சந்ததியினருக்கு அதன் செயல்திறன் குன்றாமல் பாதுகாக்க, ERM திட்டத்தினை செம்மையாக நிறைவேற்றப்பட வேண்டியுள்ளதாலும், கான்கிரீட் மற்றும் சிலாப் கல் கொண்டு நவீனப்படுத்தும் திட்டம் கைவிடப்பட வேண்டும் என்ற தங்களின் கோரிக்கை ஏற்க இயலாது என்பதை தங்களுக்கு தெரிவித்துக் கொள்ளப் பணிக்கப்பட்டுள்ளேன்.

தங்கள் உண்மையுள்ள,


28/02/2022
அரசு கூடுதல் தலைமைச் செயலாளருக்காக.
கா.சி.வி.
23/02/2022

EMBLEM OF
GOVERNMENT OF TAMIL NADU

Public Works Department

Secretariat

Chennai - 9

Letter No. 8685//S1/2021-4 dated 28.02.2022

From:

Dr. Sandeep Saksena I.A.S.,

Additional Chief Secretary to the Government

To:

Thiru M. Ravi

S/o Muthusamy, Organizer

East Bhavani Irrigation Protection Movement

No.189, Uppilippalayam

K.G. Valasu Post, (Via) Chennimalai

Erode District 638 051

Sir

Subject - Thiru M. Ravi - Petition was received from the petitioner as per the judgment of the Hon'ble High Court, Madras, in W.P No.10419/2021 in connection with Expansion, Renewal and Modernization (ERM) of the Main Canal in East Bhavani, Erode District - Sending Reply - Regarding

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Ref: 1. Order dated 28.04.2021 passed in W.P No.10419/2021 by the Hon'ble High Court, Madras.

2. Your petition dated 10.05.2021

3. Letter No. S 7(5) / 56468 / ERM-LBP/AEE6/2014 dated 13.09.2021 of the Chief Engineer (Gen) and the Principal Chief Engineer, Water Resources Department, Chennai.

Your attention is invited to the letters referred to above. On the basis of the Order of the Hon'ble Madras High Court first referred above, your demands contained in your petition were examined as under on the basis of the details furnished by the Principal Chief Engineer and Chief Engineer (Gen) Water Resources Department, Chennai:

(1) Bhavanisagar Reservoir and its Structures:

East Bhavani Project having been approved in 1947, works having been commenced in 1948, same having been fully completed, it came into use in 1955. East Bhavani Dam was constructed at the point in which Bhavani River and Moyar River congregates. The following three irrigation schemes are benefitted by and through the principal canal of East Bhavani and Bhavani River.

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1. Kodiveri Dam, Arakkankottai and

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Thadappalli Canal	:	24,504 Acres
2. Kalinkarayan Dam	:	15,743 Acres
3. East Bhavani Main Canal	:	2,07,000 Acres
4. Total	:	2,47,247 Acres

(2) East Bhavani Main Canal

East Bhavani Main Canal has been dug for a length of 200 KMs from Bhavanisagar Dam. (124 Miles 6 Furlongs) About 2,07,000/- acres of land situate in Erode, Thirupur and Karur Districts are getting irrigation facilities through this canal. Sub Canals for about 300 KMs length and Distribution Canals for 1900 KMs of length have been formed for the purpose of cultivation.

Government Order in G.O No.2367 Revenue Department dted 21.09.1964 was issued, even 57 years ago, for supply of water for 1,03,500 acres, which is equal half share of the total extent of 2,07,000 acres, for the first year and for the remaining 1,03,500 acres for the second year.

31 (3) KODIVERI DAM 31

This Dam is located in Kodiveri Village, in a distance of 32 KMs from East Bhavani Dam. The Thadappalli Canal and Arakkankottai canal divides on the right and left side of the said Dam respectively. Through these canals, 24,504 acres of lands get irrigation facilities.

(4) KALINGARAYAN DAM

(a) This Dam was constructed by one Kalingarayan, in Kalingarayanpalayam 760 years ago before the point of congregation of Bhavani River with Kaveri River. Through this canal, 15743 acres of land get irrigation facilities.

(b) Of these, the method of cultivation of the East Bhavani Main Canal, principal dams were formed in the external banks on the left side.

(c) In East Bhavani Irrigation, 207000 acres of lands having been equally divided, the first 103500 acres of nanjai land for the first zone as initial crop, during the period of 15th August to 15th December every year and towards second crop cultivation during the period from 15th December to 15th March, punjai crops for the first year and in the second year, for the second zone, for the first crop cultivation during 15th August to 15th December for nanjai lands

32 and for the second crop cultivation during 15th December to 15th March for punjai crops, water has been supplied. Depending upon the stock of water available in the dam, the Chief Engineer, Water Resources Department, Kovai Region, can issue water, within his powers, for a period of 15 days for doing cultivation. Based upon the availability of water in the Dam, water would be supplied for a period of 8 months in a year.

(d) At that time, even during the construction of the East B havani Main Canal, due to paucity of modern sand-oriented Machinery, though thrift was adopted in construction activities, due to non-availability of sand suitable for formation of river banks, the banks of the canals were formed making use of the sand available in the cultivable areas hither and thither. Further, majority of the canal do have only banks made of mud. Bearing this in mind, while forming canals on an average, water leakage was computed at the rate of 33.33%. Now, because of use for about 66 years, silts having been taken away by the water, porosity having increased, the rate of water leakage is estimated, on an average, would have increased from 40% to 50%. On account of this there occurs difficulties in the water reaching the fag end and particularly during planting of crops, the requirement for water would be more. At that time, only in the event

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of doing cultivation in turns, in the concerned sub canals, water can be taken to the fag end.

(e) However, those who do not fall under Ayakkattu, following the excessive water leakage occurring the right and left banks, a situation warranting use of water for 8-1/2 months arises. Setting and reforming these, for taking the water up to Kadaimadai, this expert committee was formed in the year 2009 under the leadership of Thiru A. Mohanakrishnan, President, Kaveri Technology Committee. Project estimates were prepared by this Committee on the basis of several recommendations. The Expert Committee had recommended for formation of lining in the canal. But it has not been proposed now to form the ground floor of the canal as concrete floor in this scheme. It is estimated to strength the weakened banks by laying slape stones in weak spots and in the weakest banks, it is estimated to put up preventive walls.

(f) The principal objective of this project is only to strengthen the infirm banks and renovate the damaged constructions. Barring this, in order to prevent water leakage, as a scheme for lining the entire canal with a view to arrest water leakage, the planning estimate has not been approved.

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(5) It is informed that the details of works estimated under this scheme are as funder:

(i) The main and sub canals under the East Bhavani Project:

MAIN CANAL:

- | | |
|---|-----------|
| 1. Renovation of Mathagus | : 86 Nos |
| 2. Re-construction of Mathagus | : 7 Nos |
| 3. Repairing of Bridge | : 1 No. |
| 4. Construction of bridges | : 14 Nos |
| 5. Repairing of rain water drainage | : 120 Nos |
| 6. Re-construction of rain water drainage
building | : 10 Nos |
| 7. Reconstruction of canal bridge | : 2 Nos |
| 8. Repairing the Regulator | : 2 Nos |
| 9. Repairing Canal Bridge | : 6 Nos |
| 10. Canalsyphon re-construction | : 1 No. |
| 11. Renovation of Aqueduct cum outlet) | : 1 No. |

35 12. Strengthening the banks : 65.37 KMs 35

ii) SUB CANALS:

- | | |
|------------------------------------|--------------|
| 1. Re-construction of Mathagugals | : 166 Nos |
| 2. Renovation of Mathagugals | : 19 Nos |
| 3. Re-construction of Canal Drop | : 164 Nos |
| 4. Renovation of Regulator | : 9 Nos |
| 5. Re-construction of Regulator | : 9 Nos |
| 6. Renovation of Regulator | : 10 Nos |
| 7. Reconstruction of small bridges | : 57 Nos |
| 8. Renovation of small bridges | : 2 Nos |
| 9. Strengthening of banks | : 121.93 KMs |

(iii) Dharapuram Cut

(a) At the time of debate during the grants by PWD held in the Tamil Nadu Legislative Assembly on 07.04.1999, the Hon'ble PWD Minister stated that the total Ayakkattu of East Bhavani Canal was 2,07,000 acres and at the time of construction of the Dam, for taking the water up to the boundary of Dharapuram, in the cultivable lands under the

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East Bhavani Project, 12.5% lands were removed by them from the Ayakut. The areas thus removed, were called as Dharapuram Cut. The extent of lands so removed is 23,000 acres.

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- (b) The peasants who were adversely affected by Dharapuram Cut, were demanding for a very long time to the Government for annexing their lands again and the Tamil Nadu Government which examined the said demand, it was announced that decision had been taken for annexing 23000 acres of land into the East Bhavani Ayakkat.
- (c) In the event of so annexing the Dharapuram Cut lands, in order to supply required water to lands located in that areas also, only in the event of undertaking and completing the renovation works on the structures, Tub, Bridges, Mathagus lying in them, it would be possible to annex again the Dharapuram cut lands into the Ayakkat and water can be supplied.

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(d) Further, because of the worldwide climatic changes currently prevailing, seasonal rains are not pouring down every year. Consequently, the inflow of water into the Bhavanisagar river are not uniform in all the years. It is therefore imperative and indispensable to prevent the excessive water leakage in the cultivation canals so as to supply water without interruption to the Ayakkat Lands even during draught seasons. On account of this, water carrying capacity would improve and distribution of water would also be very good. Hence, the demand made by the petitioner to give up the very scheme of modernization is not acceptable.

(e) RIGHT BANK:

a) In the main canal of East Bhavani, up to 124 Miles (200 KMs) only in left side bank, chief Mathagugals and sub canals were formed up to 124 Miles (200 KMs) in the initial period itself. In line with the geographical structure of this area, water has been supplied up to the extent of the canal. The initial structure of this is in such

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a form, since the leaked water flows even beyoond the stipulated extent, it has been used by the Farmers not forming part of Ayakkattu. They have been placing their demand for making them entitled for such leaked water. If the leaked water cultivation gains momentum, a situation in which the canal Ayakatdars would get very much weaker.

b) East Bhavani Irrigation Project is one which has been structured, bearing in mind only the Ayakkattudarars. Further, further on the northern bank of East Bhavani Irrigation Canal, no provision for cultivation facility for such lands was made in the initial project formation. Hence, there is no possibility for supplying water to lands on the right bank.

c) Notification having been made by the Government of Tamil Nadu in the Legislative Assembly in the year 2009 for renovation of the East Bhavani Canal Project, the Government of Tamilnadu behested for gving a report after examining the renovation project under the Chairmanship of Engineering Expert Thiru A. Mohanakrishnan for the main canal and sub canals of

East Bhavani Project by laying concrete floorings. The Expert Committee has unanimously recommended for lining the entire area of 124 miles and renovate.

- d) East Bhavani Project is nothing but providing water supply to the whole of the prescribed agricultural land in the quantum specified, it is not a project for enlarging the drinking water source or providing water to Wells supplying drinking water.
- e) Further, the present object of this project is one encompassing in itself the repairing of damaged constructions, the canal having banks formed with muds which has been in use for about 66 years, Mathagugal which are unfit for proper operation, broken and damaged Water Tanks, infirm bridges not capable of taking the finished agricultural products from one agricultural land to another which are to be repaired. The Government Order in G.O (Ms)No.276 Public Works W1) Dept dted 09.11.2020 for Extension, Renovation and Modernization for implementing the above services has been accorded approved by the Government.

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- f) Further, as of now, the bank made of mud, because of its long usage, its nature and extent having changed, having got weakened, losing its capacity to pass on goods. So, undoubtedly, if the repairing is not done within the specified time, provision of water for cultivation through this canal would present unmanageable.

(6) 34 Leak Water Irrigation Project.

In East Bhavani Irrigation Project, presently the 34 Leak Water Projects are in operation. The main source of water for these projects is the water leaking out of the areas of cultivation. By the project now being implemented, there will not be reduction, in any way, in the quantum of water available for this 34 lead water projects.

(7) POLLUTED NOYYAL RIVER – WASTES OF SIPCOT, PERUNTHURAI.

Noyyal Sub Drainage land is an exclusive structure for river. Noyyal river structure having originated in Western Ghats, travelling a distance of 158-35 KMs, submerges with Kavery River in a village called Noyyal. This structure exclusively has 28 dams, 32 lakes. The Tamil Nadu Pollution Control Board is initiating continuous action for supervising and preventing the pollutants and Dye Wastes getting

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into them. The statement made by the petitioner that since Noyyal River, after journeying through a distance of 70 KMs submerges with the leakage water in the East Bhavani Canal, pollution would abate is not acceptable. When the project known as NADANTHAI VAAZHI KAVERY is to be implemented for controlling the pollution in the Kaveri Sub Drainage Lands including Kavery and Noyyal, presently a detailed report in that regard is being prepared. When the aforesaid project is coming into force, the demand of the petitioner would get fulfilled.

(8) VELLODU BIRDS SANCTUARY

The project taking water to Vellodu Birds Sanctuary Lake, now having been taken up for examination as a new project, is subjected to series of actions. When this project is implemented, the demand of the petitioner would get fulfilled.

(9) TREES OF 65 YEARS OLD AND THE ENVIRONMENT

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It is intended to transplant only those trees which are obstructing the water flow in the canal under the aforesaid scheme, after getting the proper approval from the Revenue Divisional Officer by following the procedures laid down. Further, spotting out the vacant lands of the water resources department itself, proper allocation

42 has been made in this estimate itself for implanting saplings joining hands with the forest department. The nature of the environment would only be stepped up without causing anything detrimental to it in any manner.

2. Your Demands and recommendations on them are as under:

Demand 1	The employees in the lower grade and temporary employees working in the Public Works Department looking after water management, after getting their itching palms greased, let open increased water in the sub canals. As they happen to be temporary employees, no departmental action can be taken against them. Therefore water management ought to be done with the help of permanent employees.
Answer	The demand of the petitioner for appointing permanent employees, and for appointing lower rung employees for filling up vacancies as per government rules, would be considered.
Demand 2	In the cultivable lands in an extent of 2,07,000 acres over which cultivation right had been got under the East Bhavani Irrigation Project, innumerable colleges,

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	<p>schools, factories, house sites and for other usages, lands in an extent of 25000 acres are there in the cultivable lands, no water irrigation is undertaken. We request to set right the water management by immediately cancelling the lands, lying in the aforesaid cultivable land but in which cultivation cannot be undertaken, from the East Bhavani Irrigation Project.</p>
Reply	<p>Bearing in mind the constructions in progress due to urbanization, it would be considered for removing such areas from the Ayakkattu, to again annex Ayakkattu lands such as Tharapuram Cut, left over, on the basis of documents of the revenue department by establishing a Committee through revenue department and for taking continuous action.</p>
Demand 3	<p>As a few Mathagu Regulators construction in the canal banks are repaired, they ought to be attended to.</p>
Answer	<p>The works stated as above by the petitioner are finding place in the approved estimate itself. In the event of no hardship or obstacle being placed for such</p>

4B

	works, action would be taken for finishing those works along with other works.
Demand 4	While releasing water in sub canals, water should be released only after the released water reaching the Kadaimadai. But in some places, temporary employees irresponsibly released the water before the released water reaching Kadaimadai and consequently there is no proper water management.
Answer	Water irrigation and water management are being undertaken, after properly supervising the functioning of the lower grade employees by the concerned Section Officers
Demand 5	Water management ought to be done availing the services of responsible and permanent employees so that human errors do not occasion. Since the banks of the canal are not properly maintained, rain water having fallen on the canal, the canal is filled with sediments. Even now, the people's cloth wastes measuring several tones is there in the canal. The above sediments and cloth wastes having blocked the

	<p>natural flow of water, the water level in the canal raises. By cleansing the aforesaid sediments and cloth wastes completely, regulating the flow of water, water can be supplied to all in equal quantum and in time.</p>
Answer	<p>While implementing this scheme without any let or hindrance, fulfilling the demands of the petitioner, action would be taken for taking the works as approved in the Estimate.</p>
Demand 6	<p>In which year the main canal under the East Bhavani Irrigation Project was completely cleansed? The amount allocated for the said job is not available with the public works department.</p>
Answer	<p>The petitioner has not made any demand whatsoever.</p>
Demand 7	<p>On the two banks of the main canal stretching between 0.0.373 mil and 124.2560 mile, details of soil test conducted in which place, on which date and how many and the soil test findings are not available with the public works department. On which basis, the soil lost its real nature. The statement made in the</p>

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	project report is erroneous information.
Answer	Expert Committee having been instituted under the Chairmanship of Engineer Thiru A. Mohanakrishnan, estimate was prepared only as per the recommendation of that committee.
Demand 8	Formation of concrete canals in P.A.P Irrigation Project in Coimbatore, Thiruppur Districts, the irrigation project and ground water revitalization were spoiled.
Answer	PAP Irrigation Project is operating in full swing. There is no demand whatsoever by the petitioner in regard to this. The estimate was prepared only on the basis of the recommendation of the Hon'ble Engineer who worked during the time of initial construction under this scheme and also on the recommendation of the Chairman of Kavery Technology Committee, Engineer, A. Mohanakrisnan, and as per the views of various higher officials who did spot inspection. The petitioner should bear in mind the recommendation of the Expert Committee that the East Bhavani Main Canal ought to be lined in its entirety.

3. Your demand is such as to spoil the welfare of lands measuring an extent of 247247 acres stated above, which is the principal object of this scheme. The scheme of Extension, Renovation and Modernization (ERM), was brought to implementation on the strength of the recommendation of the Expert Committee set up for implementing the G.O Ms No.198, PW1(S1) Dept, dated 11.09.2009, Modernization of Main and Branch Canals including lining of the Lower Bhavani Project. Further, in the report of this Committee, in Volume (1) (Objective of the Modernization Scheme in Page No.46, Para 328, it is found that "While dealing with Hydrology in Chapter II, it has been explained as how the Bhavani Sub basin already strained with heavy load of irrigation demand for both old and new irrigation. We are bound to think in terms of saving water as much as possible in this system both through physical improvements and also improvements in operation and maintenance. The project now being implemented has been structured, bearing in mind the above observation made by the expert Committee.

4. On the basis of the aforesaid details, and since the ERM scheme is to be effectively implemented so as to protect the functional efficacy without any let down for being transferred to the posterity by preserving the East Bhavani Irrigation Scheme in a good manner, as it is in use continuously ever since the year 1955, I have been behested to inform you that your demand that the project for modernization with concrete and slap stone is to be given up cannot be accepted.

Yours truly

(Sd)xxxxxxxx

For the Additional Chief Secretary to the Government



W.P.No.19245 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/8/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.19245, 19255, 19259 and 19266 of 2022

W.P.No.19245 of 2022

PST Engineering Construction
rep. By its Managing Partner
Mr.V.S.Thennarasu
S/o. Selvaraju
Having Office at
No.5/72-C, Salem Bye-pass Service Road
Nallipalayam PO
Namakkal District 637 003.

...

Petitioner

Vs

1. The Principal Secretary to Government
Water Resource Department
Tamil Nadu Government
Fort St. George, Secretariat
Chennai 600 009.
2. The Chief Engineer
Water Resource Department
Coimbatore Region
Coimbatore 641 012.



W.P.No.19245 of 2022

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3. The Superintending Engineer
Water Resource Department
Bhavani Basin Circle
Erode 638 011.
4. The Executive Engineer
Water Resource Department
Lower Bhavani Basin Division
Erode 638 002.
5. The Inspector General of Police
(West Zone)
Race Course Road, Thomas Park
Coimbatore 641 018.
6. The Superintendent of Police
No.2 Panneerselvam Park Road
Perundurai Road
Erode District 638 001.
7. The Deputy Superintendent of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
8. The Inspector of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
9. The Sub-Inspector of Police
Kanjikoil Police Station
Kavindapadi Road, Kanjikoil
Erode District 638 116.

...

Respondents



W.P.No.19245 of 2022

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W.P.No.19255 of 2022

PSK Engineering Construction & Co
rep. By its Managing Partner
P. Arunkumar
Having Office at
Naducoimbai, Kalappanaickenpatty Post
Namakkal District 637 404.

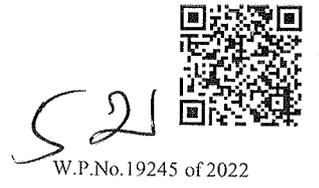
...

Petitioner

Vs

1. The Principal Secretary to Government
Water Resource Department
Tamil Nadu Government
Fort St. George, Secretariat
Chennai 600 009.
2. The Chief Engineer
Water Resource Department
Coimbatore Region
Coimbatore 641 012.
3. The Superintending Engineer
Water Resource Department
Bhavani Basin Circle
Erode 638 011.
4. The Executive Engineer
Water Resource Department
Lower Bhavani Basin Division

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W.P.No.19245 of 2022

Erode 638 002.

5. The Inspector General of Police
(West Zone)
Race Course Road, Thomas Park
Coimbatore 641 018.
6. The Superintendent of Police
No.2 Panneerselvam Park Road
Perundurai Road
Erode District 638 001.
7. The Superintendent of Police
Karur District
Karur.
8. The Superintendent of Police
Tirupur District
Tirupur
9. The Deputy Superintendent of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
10. The Deputy Superintendent of Police
Erode Town
Erode District.
11. The Deputy Superintendent of Police
Kangeyam
Tirupur District.
12. The Deputy Superintendent of Police
Aravakurichi



W.P.No.19245 of 2022

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53 Karur District.

13. The Inspector of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
14. The Sub-Inspector of Police
Kanjikoil Police Station
Kavindapadi Road, Kanjikoil
Erode District 638 116.
15. The Inspector of Police
Arachalur Police Station
11 Palani Road, Arachalur
Erode 638 101.
16. The Inspector of Police
Chennimalai Police Station
N Raja Street
Chennimalai
Erode District 638 051.
17. The Inspector of Police
Modakurichi Police Station
Anna Road, Modakurichi
Erode 638 104.
18. The Inspector of Police
Kangeyam Police Station
Near Rountana Signal
Kalimedu, Kangeyam
Erode 638 701.



W.P.No.19245 of 2022

19. The Inspector of Police
Vellode Police Station
Thenmugam, Vellode
Erode 638 112.

20. The Inspector of Police
Sivagiri Police Station
Anna Street, Sivagiri
Erode District 638 109.

21. The Inspector of Police
Muthur Police Station
Karur Road, Vellakoil
Erode 638 111

...

Respondents

W.P.No.19259 of 2022:

P & C Projects Private Limited
rep. By its Joint Managing Director
Mr.S.P.Rajesh
Having office at
P & C Towers, II Floor
No.140 Perundurair Road
Erode 638 011

...

Petitioner

Vs

1. The Principal Secretary to Government
Water Resource Department
Tamil Nadu Government
Fort St. George, Secretariat
Chennai 600 009.



W.P.No.19245 of 2022

SS

2. The Chief Engineer
Water Resource Department
Coimbatore Region
Coimbatore 641 012.

3. The Superintending Engineer
Water Resource Department
Bhavani Basin Circle
Erode 638 011.

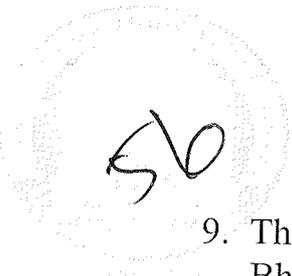
4. The Executive Engineer
Water Resource Department
Lower Bhavani Basin Division
Erode 638 002.

5. The Inspector General of Police
(West Zone)
Race Course Road, Thomas Park
Coimbatore 641 018.

6. The Superintendent of Police
No.2 Panneerselvam Park Road
Perundurai Road
Erode District 638 001.

7. The Deputy Superintendent of Police
North Rangasamuthram
Sathyamangalam
Erode District 638 402.

8. The Deputy Superintendent of Police
S H 15 Gobichettipalayam – Erode Road
Gobichettipalayam
Erode District 638 052.



W.P.No.19245 of 2022

9. The Inspector of Police
Bhavani Sagar Police Station
Bhavani Sagar
Erode District 638 451.

10. The Inspector of Police
Kadathur Police Station
Nambiyur Road, Kadathur
Erode District 638 454.

... Respondents

W.P.No.19266 of 2022:

RPP Infra Projects Limited
rep. By its Whole Time Director
Mrs.A.Nithya
Having Office at
S.F.No.454 Raghupathunaiken Palayam
Railway Colony (Post), Poondurai Road
Erode 638 002.

... Petitioner

1. The Principal Secretary to Government
Water Resource Department
Tamil Nadu Government
Fort St. George, Secretariat
Chennai 600 009.

2. The Chief Engineer
Water Resource Department
Coimbatore Region



W.P.No.19245 of 2022

Coimbatore 641 012.

3. The Superintending Engineer
Water Resource Department
Bhavani Basin Circle
Erode 638 011.
4. The Executive Engineer
Water Resource Department
Lower Bhavani Basin Division
Erode 638 002.
5. The Inspector General of Police
(West Zone)
Race Course Road, Thomas Park
Coimbatore 641 018.
6. The Superintendent of Police
No.2 Panneerselvam Park Road
Perundurai Road
Erode District 638 001.
7. The Deputy Superintendent of Police
S H 15 Gobichettipalayam – Erode Road
Gobichettipalayam
Erode District 638 452.
8. The Inspector of Police
Kadathur Police Station
Nambiyur Road, Kadathur
Erode District 638 454.
9. The Inspector of Police
Nambiyur Police Station
Nambiyur – Puliampatti Road

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W.P.No.19245 of 2022

Gandhipuram Medu, Nambiyur
Erode District 638 458.

10. The Inspector of Police
Goibichettipalayam Police Station
SH 15 Gobichettipalayam – Erode Road
Cutchery Medu, Gobichettipalayam
Erode District 638 452.

11. The Sub-Inspector of Police
Siruvalur Police Station
Siruvalur
Erode District 638 054.

... Respondents

Prayer in W.P.No.19245 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 5 to 9 to provide adequate police protection to the employees of the petitioner firm as well as its machinery from the anti-social elements for carrying out and completing the works pertaining to extension, renovation and modernization of Lower Bhavani project main canal from Mile 39-0-000 to 63-0-560 in Erode District as per the Lum-sum Agreement No.52 LS/SE/ED/2020-21 entered between the petitioner firm and the third respondent by considering the petitioner's representation dated 23/5/2022.



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W.P.No.19245 of 2022

Prayer in W.P.No.19255 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 5 to 21 to provide adequate police protection to the employees of the petitioner firm as well as its machinery from the anti-social elements for carrying out and completing the works pertaining to extension, renovation and modernization of Lower Bhavani project main canal from Mile 63-0-560 to 124-2-560 in Erode, Tirupur and Karur Districts as per the Lum-sum Agreement No.53 LS/SE/ED/2020-21 entered between the petitioner firm and the third respondent by considering the petitioner's representation dated 19/7/2022.

Prayer in W.P.No.19259 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 5 to 10 to provide adequate police protection to the employees of the petitioner firm as well as its machinery from the anti-social elements for carrying out and completing the works pertaining to extension, renovation and modernization of Lower Bhavani project main canal from Mile 0-0-373 to 18-1-375 in Erode District as per the Lum-sum Agreement No.48 LS/SE/ED/2020-21 entered between the petitioner firm and the third respondent by considering the



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W.P.No.19245 of 2022

petitioner's representation dated 27/7/2022.

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Prayer in W.P.No.19266 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 5 to 10 to provide adequate police protection to the employees of the petitioner firm as well as its machinery from the anti-social elements for carrying out and completing the works pertaining to extension, renovation and modernization of Lower Bhavani project main canal from Mile 18-1-375 to 39-0-000 in Erode District as per the Lum-sum Agreement No.51 LS/SE/ED/2020-21 entered between the petitioner firm and the third respondent by considering the petitioner's representation dated 27/5/2022.

For Petitioners	...	Mr.Mr.B.Kumar Senior Counsel for Mr.S.Senthil
For respondents	...	Mr.R.Shunmugasundaram Advocate General Assisted by Mr.E.Raj Thilak Additional Public Prosecutor.

COMMON ORDER



These writ petitions have been filed to direct the concerned respondents to provide adequate police protection to the employees of the petitioners firm as well as its machinery, from the anti-social elements for carrying out and complete the works pertaining to extension, renovation and modernization of Lower Bhavani project main canal, as per the Lum-sum Agreements entered between the petitioners firm and the third respondent by considering the petitioners representations.

2. Brief facts of the case are as follows:-

The petitioners have been allotted a contract to carry out and complete the work namely Extension, Renovation and Modernisation of Lower Bhavani Project Canal, which was allotted in pursuant to G.O (4D) No.66 Public Works (W1) Department, dated 17/8/2020 and G.O.(Ms) No.276, Public Works (W1) Department, dated 9/11/2020, in compliance with Lump-Sum Agreement, entered between the third respondent and petitioners firm. The petitioners were given their contract in their respective areas. The time stipulated in the contract is 24 months to complete the work.



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3. As per the conditions, the petitioners are permitted to carry out the work only in non-irrigation period of 6 months through out the 24 months. Though the period of contract is provided for 23 months, the petitioners can carry out works only in 6 months.

4. Some of the third parties are preventing the employees of the petitioners from doing their work by threatening them with dire consequences. Hence, on 10/5/2021, the Assistant Executive Engineer, WRD, Chithode had given a complaint to the Sub-Inspector of Police, Kanjikoil Police Station, 9th respondent requesting him to provide adequate Police protection to carry out the work. But no such protection was provided to the employees of the petitioners. Hence the petitioners had filed these writ petitions praying for the relief as stated therein.

5. Heard Mr.B.Kumar, learned Senior Counsel for the petitioners and Mr.R.Shunmugsundaram, learned Advocate General for the respondents.



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W.P.No.19245 of 2022

6. The learned Senior Counsel appearing for the petitioners submitted that the persons who opposed the contract have no legal right to prevent the employees of the petitioners from carrying the said work. The intention of the above contract is to safeguard the Bhavani canal by preserving the sustainable development and flora and fauna which cannot be disturbed by the vested group.

7. The learned Senior Counsel further submitted that as per Clause 12 (A) of General Conditions – II of the aforesaid Lum-sum Agreement prescribes that for slow progress of work, action will be taken by the Executive Engineer, as per Clause 57.1, 57.2 and 57.3 of the General Conditions of Contract of Tamil Nadu Building Practice.

8. The learned Advocate General submitted that the Government has taken into consideration the delay and further, it is found that the Dam will be opened tomorrow and therefore, immediate action cannot be taken. Learned Advocate General fairly submitted that they will accord necessary protection when the works are commenced. He further submitted that because of the delay caused by the third parties, they are also considering the extension of period of



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W.P.No.19245 of 2022

contract, since the total value of the contract is Rs.933 crores.

9. From the materials available on record, it would indicate that Contracts have been legally awarded to the petitioners. Considering the fact that the intention of the above work is to safeguard the Bhavani canal, it is the duty of the respondents to provide necessary protection to the petitioners firm as well as its machinery, to carry out the work allotted to the petitioners.

10. Accordingly, these writ petitions are disposed of, directing the respondent Police to provide necessary protection to the petitioners firm as well as its machinery, to carry out the execution of work without any disturbance. No costs.

11/8/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

To

1. The Principal Secretary to Government
Water Resource Department
Tamil Nadu Government

Page No:16/20



W.P.No.19245 of 2022

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Fort St. George, Secretariat
Chennai 600 009.

2. The Chief Engineer
Water Resource Department
Coimbatore Region
Coimbatore 641 012.
3. The Superintending Engineer
Water Resource Department
Bhavani Basin Circle
Erode 638 011.
4. The Executive Engineer
Water Resource Department
Lower Bhavani Basin Division
Erode 638 002.
5. The Inspector General of Police
(West Zone)
Race Course Road, Thomas Park
Coimbatore 641 018.
6. The Superintendent of Police
No.2 Panneerselvam Park Road
Perundurai Road
Erode District 638 001.
7. The Superintendent of Police
Karur District
Karur.
8. The Superintendent of Police
Tirupur District



Tirupur



W.P.No.19245 of 2022

9. The Deputy Superintendent of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
10. The Deputy Superintendent of Police
Erode Town
Erode District.
11. The Deputy Superintendent of Police
Kangeyam
Tirupur District.
12. The Deputy Superintendent of Police
Aravakurichi
Karur District.
13. The Inspector of Police
S H 96 Perundurai – Erode Road
Perundurai
Erode District 638 052.
14. The Sub-Inspector of Police
Kanjikoil Police Station
Kavindapadi Road, Kanjikoil
Erode District 638 116.
15. The Inspector of Police
Arachalur Police Station
11 Palani Road, Arachalur
Erode 638 101.
16. The Inspector of Police

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W.P.No.19245 of 2022

Chennimalai Police Station
N Raja Street
Chennimalai
Erode District 638 051.

17. The Inspector of Police
Modakurichi Police Station
Anna Road, Modakurichi
Erode 638 104.
18. The Inspector of Police
Kangeyam Police Station
Near Rountana Signal
Kalimedu, Kangeyam
Erode 638 701.
19. The Inspector of Police
Vellode Police Station
Thenmugam, Vellode
Erode 638 112.
20. The Inspector of Police
Sivagiri Police Station
Anna Street, Sivagiri
Erode District 638 109.
21. The Inspector of Police
Muthur Police Station
Karur Road, Vellakoil
Erode 638 111
22. The Public Prosecutor
High Court.

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

(Special Original Jurisdiction)

W.P.No. 19472 of 2022

M-3, Keel Bhavani Muraineer

Pasana Vivasagal Sabai,

Registration No.93/1993,

Rep. by its President

A.Ramaswami,

Vairamangalam,

Bhavani Taluk,

Erode District.

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Finance Department,
Fort St. George,
Chennai-600009.
2. The Principal Secretary to Government,
Water Resources Department,
Fort St. George,
Chennai-600009.
3. The Chairman and Managing Director,
Tamil Nadu Water Resources Conservation and
Rivers Restoration Corporation,
Palarillam, No.6, KamarajSalai,
Chepauk, Chennai- 600005.

Page no : 1

No. of corrections : Nil


ASSISTANT ENGINEER, WRD
IRRIGATION SECTION,
MODAKKURUCHI-638 104


EXECUTIVE ENGINEER, PWD.,
LOWER BHAVANI BASIN DIVISION, WRO
ERODE - 638 002.

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4. The Engineer-in-Chief,
Water Resources Department,
Chepauk,
Chennai-600005.

5. The Chief Engineer,
Water Resources Department,
Coimbatore Region,
Coimbatore - 641001.

6. The District Collector,
Erode District,
Deeran Chinnamalai Building,
Perunthurai Road,
Erode - 11.

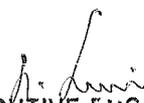
7. The District Collector,
Tirupur District,
Collectorate,
Tirupur-641604.

8. The District Collector,
Karur District,
District Collector's Office,
Thanthonimalai,
Karur-639007.

Page no : 2

No. of corrections : Nil


ASSISTANT ENGINEER, WRU
IRRIGATION SECTION,
MODAKKURUCHI-638 104


EXECUTIVE ENGINEER, PWD.,
LOWER BHAVANI BASIN DIVISION, WRD,
ERODE - 638 002

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

10. The Executive Engineer,
PWD, WRD, Bhavani Basin Circle,
Vendipalayam,
Erode--638002.

...Respondents

COUNTER AFFIDAVIT FILED BY THE 10th RESPONDENT

I, A.Kannan S/o. Thiru.Arunachalam, aged about 58 years, having office at Executive Engineer, WRD, Lower Bhavani Basin Division, Erode do hereby solemnly affirm and sincerely state as follows:

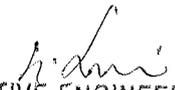
1) I am the 10th respondent herein and as such, I am well acquainted with the facts and circumstances of this case from the records available in my office. I deny the allegations raised by the petitioner in support of the above writ petition gave those that are specifically admitted hereunder.

2) I submit that the writ petitioner has filed this writ to issue a writ of Mandamus, or any other appropriate writ, order or direction in the nature of a writ, directing the respondents 1 to 10 to complete the work of Extension, Renovation and Modernization of the Lower Bhavani Project Canal within a stipulated time to be fixed by this Hon'ble Court, by implementing G.O.Ms.No.276 Public Works (W1) Department dated 09.11.2020 based on the representations dated 25.05.2021, 09.05.2022 and 23.05.2022

Page no :3

No. of corrections : Nil


ASSISTANT ENGINEER, WRD
IRRIGATION SECTION,
MODAKKURUCHI-638 104


EXECUTIVE ENGINEER, PWD.,
LOWER BHAVANI BASIN DIVISION, WRO
ERODE - 638 002

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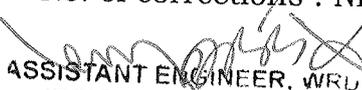
3) I submit that the averments in para 1 to 5 are general in nature and need not be traversed.

4) I humbly submit with respect to para 6 and 7 that the Bhavani river is one of the main tributaries of Cauvery river in the State of Tamil Nadu. The Lower Bhavani sub basin lies in the western part of Tamilnadu. The Bhavani river originates from the rear slopes of Western Ghats in Nilgiris District in Tamil Nadu, enters the silent Valley National park in Kerala and flows back towards Tamil Nadu. Later it joins the Sirumugai River and then it enters in Coimbatore District. Lower down, Kundahriver joins with river Bhavani and flows towards Mettupalayam. A few miles further down the Moyar river confluences with Bhavani river at Bhavanisagar. Then the Bhavani river takes its course and confluences with Cauvery river at Bhavani in Erode District. I submit that prior to the construction of the Bhavanisagar Dam, the water of Bhavani river, flowing naturally, were put to limited use of irrigating the lands abutting the river Bhavani and a major portion of the same was flowing into the River Cauvery.

5) I humbly submit that with respect to para 8 and 9 the Kalingarayan Anicut is a renowned irrigation system constructed 800 years ago by the local chief Kalingarayan. The Anicut lies in the tailend of Bhavani river just before its confluence with River Cauvery. This irrigation system irrigates 15743 acres of land for two irrigation seasons in Erode, Modakkuruchi and Kodumudi Taluks of Erode District. I humbly submit that the Kodiveri Anicut

Page no :4

No. of corrections : Nil


ASSISTANT ENGINEER, WRD
IRRIGATION SECTION,
MODAKKURUCHI-638 104


EXECUTIVE ENGINEER, PWD..
LOWER BHAVANI BASIN DIVISION, WRD
ERODE - 638 002

is a 400 years old anicut located at 32 km down stream side of Bhavanisagar reservoir irrigating 24,504 acres of land for two irrigation seasons in Erode, Modakkuruchi and Kodumudi Taluks of Erode District.

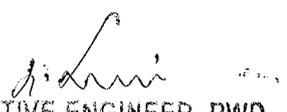
6) It is humbly submitted with respect to para 10 and 11 that later, finding that major parts of Trichy (now Karur) and Coimbatore (now Tirupur and Erode) Districts were drought prone areas and that there was sufficient water available in the Bhavani river, the Government, taking into consideration of the optimum and better utilisation of the available water to large ayacuts, constructed another Reservoir known as "Bhavanisagar Reservoir" across the Bhavani river between Mettupalayam and Sathyamangalam and upstream of Kodiveryanicut during the period 1948 to 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 area lies in three districts namely Erode, Tirupur and Karur. I submit that the Lower Bhavani Project is unique in that it is the first major irrigation project sanctioned in the country after Independence. It is submitted that the Bhavanisagar Reservoir caters the need of the following three irrigation systems in Lower Bhavani Sub-Basin :-

- i). Lower Bhavani Canal System
- ii). Kalingaryan Anicut System
- iii). Kodivery Anicut System.

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No. of corrections : Nil


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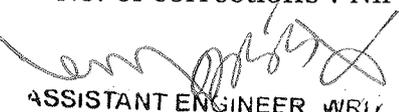
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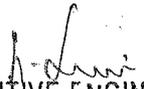
7) It is humbly submitted with respect to para 12 that as the experience during the first five years since the commissioning of the L.B.P Scheme in the year 1954 showed that the original objectives of the project could not be achieved as desired, the Government, based on the findings of the Pilot Investigation conducted by the Board of Revenue, by its order in G.O.Ms.No.2367 Revenue dated 21.09.1964 introduced the diversified dry, wet crop cultivation, with paddy as the single crop on one half of the total ayacut. I submit that for the said purpose the entire ayacut of 2,07,000 acres were divided into 'odd turn', consisting of 1,03,500 acres and 'even turn', consisting of 1,03,500 acres, for the purposes of distribution of water for irrigation in turn systems.

8) It is submitted with respect to para 13 that the Bhavanisagar Reservoir is a composite earthen dam, provided with spillways, river sluices, penstock and canal sluices in masonry portion and with the earth dam on either flank extending to merge with the high ground and the total length of the dam, is about 8.80k.m. I submit that only one canal off takes from the masonry dam in the right flank and is aligned throughout on a falling contour. I submit that the main LBP canal runs for a total length of 200 k.m. I submit that there are 159 branch canals off taking from the 20 distributaries with a total length of 322.23 Km. There are 75 head sluices and 118 direct irrigation sluices provided in the LBP canal to facilitate irrigation to an extent of 2,07,000 acres. I submit that the carrying capacity of the LBP main canal at the head reach is designed for 2300 cusecs.

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No. of corrections : Nil


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9) I submit with respect to para 14 that the LBP main canal runs mostly through the full embankment or partial embankment and it is in operation for more than 65 years considering the economy in cost and due to non-availability of modern earth moving machineries and non-availability of suitable earth in the nearby areas, the canal bund was formed mostly using the available earth from the command area itself. I submit that due to the usage of the mother earth, which is porous in nature and due to long usage, the earthen canal has lost its original standards and the bunds have become leaky, with the result the transmission loss has become very huge. That apart, due to long service, most of the cross masonry and cross drainage structures are also in a dilapidated condition.

10) It is humbly submitted with respect to para 15 and 16 that the inner slopes of the canal bund in the embankment reach are fully covered with light jungle, which obstructs the free flow of water in the LBP main canal. The outer slope is also covered with light jungle growth, with the result formation of cavities and rat holes in the bund which could not be identified and hence breaches occur in the main canal frequently. I submit that because of these factors the slopes of the canal have also lost its original standards due to erosion. I humbly submit that the height of the bund has also been reduced considerably due to the frequent movement of vehicles carrying agricultural products over the bund. I submit that since the canal was formed using mother earth alone and has served for more than 65 years, the same is susceptible to continuous water pressures.

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No. of corrections : Nil


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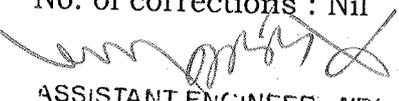

EXECUTIVE ENGINEER, PWD.,
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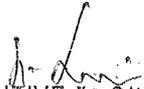
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 11) I submit with respect to para 17 that the full supply depth could not be maintained in most reaches. I submit that in view of all these factors stated above, the canal is not able to cater the needs of its ayacutdars satisfactorily and that all the tail ends of main canal, distributaries, branches and sub branches, are receiving inadequate supply of water at the required time. Moreover, except for annual maintenance, no major improvement or renovation works have been carried out in the canal system for the past 65 years.

12) I submit with respect to para 18 and 19 that every time of breach of the bunds, because of its poor standards, the supply of water from the dam has to be stopped at the Reservoir and that if the supply is released after carrying out the repair works, it takes at least a week for the water supply to reach the tail end again. That apart, because of the breach of the canal, the water flows into the nearby villages, which causes danger to the life of inhabitants of the village, their houses and also their cattle and agricultural crops. In order to prevent the breach and hence to increase the flow and carrying capacity of the canal, the most essential requirement is to provide concrete lining in the bed and the sides of the essential reaches of the canal. I humbly submit that in order to improve the system efficiency and for modernization of the LBP main and branch canals, which were in a dilapidated condition and were rendered inefficient to cater the needs of the ayacutdars, particularly tail end ayacutdars, repeated requests were made by the ayacutdars to the Government.

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No. of corrections : Nil


 ASSISTANT ENGINEER, WRL
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13) I humbly submit with respect to para 20 that subsequently, the Government of Tamil Nadu issued a G.O.Ms.No.198, Public Works (S1) Department dated 11.09.2009 for constituting 7 members committee under the Chairmanship of Prof.A.Mohanakrishnan, the then Advisor to Government (Water Resources) and Chairman Cauvery Technical Cell-cum-Inter Waters Wing. I submit that after a detailed study conducted by the said Committee and after obtaining the views of the ayacutdars and stakeholders, the Committee submitted its Report to the Government on 12.05.2010. I submit that after a lot of deliberations the Committee decided, among others, that only the LBP main canal may be lined in the modernisation programme in order to reduce the seepage and to carry the water to the tail end faster.

14) I humbly submit with respect to para 21 that later the Government vide its G.O.Ms.No.215, Public Works (S1) Department dated 19.07.2010 accorded in principle acceptance of the Report of the Committee constituted to formulate a scheme for Modernisation of main and branch canals, including lining of Lower Bhavani Project, except inclusion of 34 numbers of harnessing schemes. I submit that under the said G.O, the Government directed the Chief Engineer, Water Resources Department, to prepare detailed estimates for the works and send them to the Government for approval.

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15) I humbly submit with respect to para 22 and 23 that later the Government vide its G.O(4D)Ms.No.66, Public Works (W1) Department dated 17.08.2020 accorded permission to the Tamil Nadu Water Resources Conservation and River Restoration Corporation Department, the 3rd respondent herein to apply to NABARD Infrastructure Development Assistance (NIDA) seeking loan assistance for the work of Extension, Renovation and Modernisation of Lower Bhavani Project System at an estimated cost of **Rs.933.10 Crores**. I humbly submit that that the Chief Engineer, Water Resources Department, Coimbatore, the 4th respondent herein, in his letter dated 31.10.2020, has requested orders from the Government of Tamil Nadu for executing the work into Six Packages. These canals are running for more decades and lost their conveyance efficiency considerably due to seepage losses and most of masonry structures are in dilapidated condition. The system has to be rehabilitated in order to convey the available water up to tail end. Moreover NABARD team visited the site and extended their consent for sanctioning loan under NIDA. In order to commence the works in January, 2021 during lean flow period after finalizing the agencies for carrying out the works, Administrative Sanction was sought for.

16) I humbly submit with respect to para 24 and 25 that as per the request of the Chief Engineer, Water Resources Department, Coimbatore Region, the 5th respondent herein, the Principal Secretary to Government,

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Water Resources Department, the 2nd respondent herein has accorded sanction to entrust the work to the 5th respondent for execution and also accorded sanction for splitting up of the Extension, Renovation and Modernisation of Lower Bhavani Sub-Basin Project System works into Six Packages by its G.O.Ms.No.276 Public Works (W1) Department dated 09.11.2020. I humbly submit that pursuant to the sanction accorded by the 1st respondent, the Chairman and Managing Director of the Tamil Nadu Water Resources Conservation and Rivers Restoration Corporation, Chennai, the 2nd respondent herein, vide his letter No.144/2020/TNWRC&RRC/CE dated 10.11.2020, has entrusted the work to the Chief Engineer, WRD, PWD, Coimbatore Region, the 4th respondent herein for further action as per G.O.Ms.No.276 Public Works (W1) Department dated 09.11.2020. Hence catering to the need of the irrigation system., the Government of Tamilnadu in G.O M.s No 276 Public Works (W1) Dept Dated 09.11.2020 have accorded administrative Sanction to a sum of **Rs.709.60 crores** (Rupees Seven Hundred and Nine Crores and sixty Lakhs only) for rehabilitating the Lower Bhavani Project Main canal from mile 0-0-373 to 124-2-560. The work is split in to four packages as tabulated below:-

S.No	Name of Work	Amount (Rs in Crores)
1	Extension and Renovation and Modernisation of LBP main canal 0-0-373 to 18-1-375 in Erode District	194.15
2	Extension and Renovation and Modernisation of LBP main canal 18-1-375 to 39-0-000 in Erode District	127.65
3	Extension and Renovation and Modernisation of LBP main canal 39-0-000 to 63-0-560 in Erode District	198.25
4	Extension and Renovation and Modernisation of LBP main canal 63-0-560 to 124-2-560 in Erode, Tiruppur and Karur District	189.55
	Total	709.60

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The Sanction is under the Scheme NIDA (Nabard Infrastructure Development Assistance).

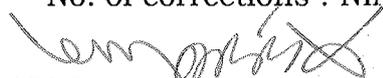
It is proposed to rehabilitate the following cross masonry works in the canal in the above said works.

S. No	Type of Structure	As Existing Reach		As per estimate	
		Length/ Nos	Rehabilitation	Reconstruction	Total
I	Civil Works (Main Canal)		Nos	Nos	Length / nos
1	Pre cast Slab Lining Length in km	199.60		65.37	65.37
2	Head Sluices and Direct Sluices in nos	189	81	12	93
3	Bridges in nos	93	2	13	15
4	Under Tunnel / Drainage Culvert in nos	168	118	10	128
5	Aqueduct in nos	18	6	2	8
6	Aqueduct cum outlet in nos	1	1		1
7	Canal syphon in nos	3	1		1
8	Regulator in nos	6	2		2
	Sub Total - I				
II	Civil Works Distributories				
1	Cast in-situ lining length in KM	370.10		105.36	105.36
2	Head Sluices and Pipe Sluices in nos	1312	19	166	185
3	Regulator in nos	32	10	11	21
4	Drops in nos	987	92	147	239
5	Road pipe culvert in nos	201	2	57	59

17) It is submitted with respect to para 26 tenders were called for the above works and the agreements were concluded with a contract period of 24 months. The works were inaugurated by the Hon'ble Prime minister of India on 25.02.2021 and preliminary works were started. It is stated that

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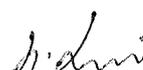
the other averments in paras 27 and 28 are not traversed as they are factual aspects.

18) It is submitted with respect to paras 29 to 31 that as per the orders of this Hon'ble court Thiru.M.Ravi made a representation to the Additional Chief Secretary to Government, Water Resources Department on 10.05.2021 and the Additional Chief Secretary to Government, Water Resources Department vide his letter no-8685/S-1/2021/dated 28.02.2022 has stated that the objective of the petitioners request is against the interest of 2,47,247 acres of ayacut land. The Extension and Renovation and Modernisation (ERM) of LBP scheme was formulated based on the recommendations of the Technical committee formed as per Go M.S.No-196 PW(S1) Depart dated 11.09.2009 headed by Prof.A.Mohanakrishnan, Advisor to Government (Water Resources) and Chairman, Cauvery Technical Cell cum Interstate water Affairs Wing. The committee in its report in Page No-46.Para 3.28 has stated as follows "*While dealing with Hydrology in Chapter II, it has been explained as to how the Bhavani sub basin is already strained with heavy load of irrigation demand for both old and new irrigation. We are bound to think in terms of saving water as much as possible in this system both through physical improvements and also improvements in operation and maintenance*". Based on the above facts presented by the Technical committee the Government has accorded sanction for this Extension and Renovation and Modernisation (ERM) scheme vide GO-M.S No- G.O.Ms.No.276 Public Works (W1) Department dated 09.11.2020.

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19) It is humbly submitted with respect to para 32 and 33 that it was planned to execute the renovation work within two years with a working period of three months in between two irrigation seasons. When the field works were commenced on 01.05.2021, one group of farmers whose lands are lying in the right side of the main canal made an agitation against the proposal of laying of cement concrete lining, stating that ground water recharge will be completely arrested if lining is done in the main canal and their livelihood would be affected. With a view to avoid any possible social turbulence, the rehabilitation works were executed only in few selective places and about 10% of works have been completed up to 15.08.2021 in all four packages. After that, water was released in the canal for wet crops from 15.08.2021 to 28.01.2022 and continued further for dry crops from 01.02.22 to 30.04.2022. During the above periods, no works were executed since water was released in the canal. Similarly, certain preliminary works for resuming the rehabilitation and renovation works were commenced from 01.05.2022 onwards. At this juncture, again the same group of farmers whose lands are lying in the right side of the canal again agitated against laying of concrete lining and demanded to carry out only the renovation of sluices and cross masonry works. Meanwhile, the original ayacutdars of this LBP canal system had demanded to carry out the concrete lining work as per the sanctioned estimate along with other restoration works simultaneously. In this critical context, the department was not able to execute the renovation works in all the four packages. Again, the group of farmers whose lands are lying in the right side of the canal had organised a

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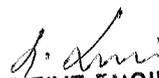
protest meeting on 24.02.2022 at Perundurai and insisted not to carry out the concrete lining works in the canal. In anticipation of Law and Order issues among the two groups, the renovation works were temporarily stopped in all the 4 packages. Consequent to this, the Honourable Minister for Housing and Urban Development had jointly inspected few canal segments where concrete lining is proposed, along with the agitating farmers and the representatives of the original registered ayacutdars' association in the presence of Revenue and Water Resources Department officials. In continuation, the Honourable Minister with the District Collector, Erode had also conducted a meeting with both the groups. However, a final and collective decision could not be arrived in the meeting. Subsequently official discussions were also held at various levels.

20) It is submitted that in search of an amicable solution, the Hon'ble Minister of Water Resources had conducted a meeting on 14.07.2022 at Coimbatore with the farmer groups, in the presence of Hon'ble Minister of Housing and Urban Development, Hon'ble Minister of Electricity Prohibition & Excise and Hon'ble Minister of Information and Publicity along with the District Collectors of Erode and Tiruppur, Chief Engineer, WRD, Coimbatore Region and WRD officials. In this meeting also, even after various deliberations, no consensus was reached and no unanimous decision could be taken.

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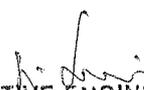
21) It is humbly submitted with respect to para 34 and 35 that the Ayacutdars of Kodiveri and Kalingarayan irrigation systems welcomed the renovation works and they utilised the funds allocated for renovation of those irrigation systems respectively, whereas, this scenario is not in favour of execution of renovation work in LBP irrigation system. The agitating group creates chaos when any works are commenced in the canal. This creates a disturbance to the Law and order situation. The intention of the Government till now is to execute the work without any delay. Hence necessary steps are being taken to explore all possible ways to commence the work in the upcoming working period. It is humbly submitted that the total ayacut of Lower Bhavani Project (LBP) canal is 2,07,000 acres spreading over three districts to a length of 200 kilometres. It is further submitted that only the ayacutdars of the LBP canals have legitimate rights to use the water for irrigation equitably from head to tailend of this canal. With their consent only this project is being implemented.

22) It is humbly submitted with respect to paras 36 to 45 that Extension and Renovation and Modernisation of LBP main canal project was envisaged in a view to ensure that the water is supplied judiciously and all the ayacutdars including the Tail end farmers also get required water supply. With the desire to complete the renovation work the Government is taking all necessary steps to commence these works. I humbly submit that the contract period of 24 months will be expiring on 02.05.2023 in respect of Package-I and 24.02.2023 in respect of Packages II to IV. Due to the agitations only 10 % of the works have been completed. It is highly difficult

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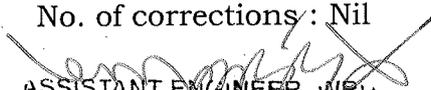
to execute the contemplated works in all respects well within this scheduled time, since the irrigation period extends till 30.04.2023. The contractors will be given Extension of Time for completing the remaining works after arriving an amicable social solution. It is humbly submitted that WRD is in the intention to commence the work after the upcoming irrigation season (i.e) upto 30.04.2023 after attaining an amicable solution. In spite of various levels of talks with the both the groups an amicable solution could not be attained so far.

23) It is humbly submitted that as per the G.O.Ms. No.276 PW(W1) Dept, Dated: 09.11.2020. Government has accorded Sanction for the above works in anticipation of loan assistance from NABARD under NIDA. Subsequently the NABARD has sanctioned the term loan of Rs.638.64 Crores which is 90% of the Estimate amount i.e, 709.60 Crores. The remaining 70.96 crores (10%) will be borne by the State Government. So far NABARD has released Rs.62.31 Crores for the value of work done of Rs. 69.22 Crores Since this amount has been sanctioned as a loan from NABARD specifically for this work, the remaining amount of Rs.576.33 Crores will be released in a phased manner only to this work according to the work progress.

24) It is humbly submitted that Extension, Renovation and Modernisation of Lower Bhavani Project canal from Mile 0-0-373 to 124-2-560 in Erode, Tiruppur and Karur Districts is highly necessitated to enhance the strength and stability of the main canal besides to improve the

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functional efficiency of the entire LBP system, which acts as a lifeline project for tens and thousands of farmers and public in the Erode, Tirupur and Karur districts. Further, I also humbly submit that this ERM project had been formulated with an ultimate mission of "taking LBP to the next generation" without compromising the Law and Order situation. Hence the Water Resources Department is firmly in the intention to resume and complete there mining works after the completion of the on-going irrigation season (30.04.2023). The Government is taking all effective steps to arrive at an amicable solution between the two groups and all efforts will be taken to resume the remaining works after completion of the ongoing irrigation period (12.08.2022 to 30.04.2023) and to complete the works as early as possible so that the demand of the legitimate ayacutdars of this system will be ensured. For the reasons stated above it is prayed that this Hon'ble Court may be pleased to taken this counter on file and pass necessary orders in the interest of justice.


 ASSISTANT ENGINEER, WRU
 IRRIGATION SECTION,
 MODAKKURUCHI-638 104

Solemnly affirmed at Erode on this day

the rd 23 day of Aug'2022 and signed in name

in my presence


 EXECUTIVE ENGINEER, PWD.,
 LOWER BHAVANI BASIN DIVISION, WRO
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thanga vel <stvel2004@gmail.com>

Additional Typed Set -III filed by the 7th respondent

1 message

thanga vel <stvel2004@gmail.com>

Tue, Oct 10, 2023 at 11:41 AM

To: anbarasanassociates@gmail.com, sahnk@cag.gov.in, Shanmuganathan Dharmarajan <dshanmuganathan@outlook.com>

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 -III filed on behalf of the 7th respondent in O.A.No.89/2022. This is for your kind information.

Thanking you.

S.Thangavel,
Advocate
Counsel for 7th Respondent
Mobile No. 94440 23314

 Index to Addl Typed Set-III 10.10.2023.docx
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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 TYPED SET – III
FILED BY THE 7TH RESPONDENT**

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

Counsel of 7th Respondent

Mobile No. 94440 23314

E Mail : stvel2004@gmail.com