

WP(MD) No.18402 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Thirtieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

and

The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.18402 of 2018

S.KAMARAJ @ MUTHALAKURICHI KAMARAJ

... PETITIONER

Vs

1 UNION OF INDIA REP BY
THE PRINCIPAL SECRETARY/THE DIRECTOR,
THE MINISTRY OF WATER RESOURCES,
RIVER DEVELOPMENT AND GANGA REJUVENATION
SHRAM SHAKTI BHAVAN, RAFI MARG,
NEW DELHI.

2 STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY,
TAMILNADU TOURISM & CULTURE &
RELIGIOUS ENDWOMENTS DEPARTMENT,
FORT ST.GEORGE, CHENNAI 600 009.

3 STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY,
THE HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
FORT ST.GEORGE, CHENNAI 600 009.

4 STATE OF TAMILNADU, REP BY
THE PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT,
FORT ST.GEORGE, CHENNAI 600 009.

5 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
THIRUNELVELI.

<https://www.mhc.tn.gov.in/judis>



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6 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
THOOTHUKUDI

7 THE COMMISSIONER,
THIRUNELVELI CORPORATION,
THIRUNELVELI DISTRICT.

(*)8 THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
THAMIRABARANI DIVISION,
SAMATHANAPURAM, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

(*)(R8 IS SUBSTITUTED VIDE COURT ORDER DATED
30.09.2024 IN WP(MD).18402/2018)

(*)9 THE COMMISSIONER,
THE HINDU RELIGIOUS CHARITABLE ENDOWMENTS DEPARTMENT,
CHENNAI.

(*)(R9 IS SUO MOTU IMPEADED VIDE COURT
ORDER DATED 10/12/2018 IN WP(MD)
NO.18402/2018)

(*)10 THE MUNICIPAL COMMISSIONER,
OFFICE OF THE MUNICIPAL COMMISSIONER,
AMBASAMUDRAM MUNICIPALITY,
TIRUNELVELI DISTRICT.

11 THE MUNICIPAL COMMISSIONER,
OFFICE OF MUNICIPAL COMMISSIONER,
VIKRAMASINGAPURAM MUNICIPALITY,
TIRUNELVELI DISTRICT.

12 THE BLOCK DEVELOPMENT OFFICER,
OFFICE OF THE BLOCK DEVELOPMENT OFFICER,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.



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13 THE CHAIRMAN,
SRIVAIKUNDAM TOWN PANCHAYAT,
THOOTHUKUDI DISTRICT.

14 THE CHAIRMAN,
ALWARTHIRUNAGARI TOWN PANCHAYAT,
TIRUNELVELI DISTRICT.

15 THE CHAIRMAN,
KALLIDAIKURICHI TOWN PANCHAYAT,
TIRUNELVELI DISTRICT.

16 THE CHAIRMAN,
ERAL TOWN PANCHAYAT,
THOOTHUKUDI DISTRICT.

(*)(R10 TO R16 ARE IMPEADED VIDE COURT
ORDER DATED 03/08/2023 IN WMP(MD).15717/2023
IN WP(MD). 18402/2018)

(*)17 THE TAMIL NADU POLLUTION CONTROL BOARD,
REPRESENTED BY ITS CHAIRMAN, GUINDY, CHENNAI.

18 THE ENVIRONMENTAL ENGINEER,
TAMIL NADU POLLUTION CONTROL BOARD, TIRUNELVELI.

19 THE ENVIRONMENTAL ENGINEER,
TAMIL NADU POLLUTION CONTROL BOARD, THOOTHUKUDI.

(*)(R17 TO R19 ARE SUO MOTU IMPEADED VIDE
COURT ORDER DATED 30.09.2024 IN WP(MD).
18402/2018)

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus to direct the Respondents to renovate all ancient Mandabams and Heritage Padithuraies situataing in the bank of Tamirabarani River, and to direct the



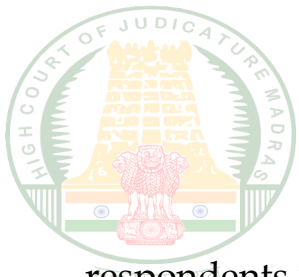
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Respondents to take immediate action to prevent the drainage water mixing in the entire Tamirabarani River in Tirunelveli and Thoothukudi District and to direct the respondents to make all arrangements and plan for celebrate Tamirabarani Maha Pushkara function without affect the eco system of Tamirabarani River within the time stipulated by this Hon'ble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.ALAGUMANI, Advocate for the petitioner and of MS.VIJAYAKUMARI NATARAJAN, Standing Counsel on behalf of the Respondent Nos.17 to 19, the court made the following order:-

The learned Additional Advocate General informed the Court that the Public Works Department has written more than one letter to the Tamil Nadu Pollution Control Board complaining about the pollution of river Thamirabarani and about the need to take remedial measures. He also submitted that the Public Works Department / Water Resources Department felt a little constraint in taking action. The learned Additional Advocate General also submitted that it is the Pollution Control Board which is competent to suggest remedial measures and also having power to impose penalties.

2.We are therefore of the view that the Pollution Control Board is a necessary party to the proceedings. We therefore implead the Tamil Nadu Pollution Control Board represented by its Chairman, Guindy, Chennai and the Environmental Engineer, Tamil Nadu Pollution Control Board, Tirunelveli and the the Environmental Engineer, Tamil Nadu Pollution Control Board, Thoothukudi as



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respondents 17 to 19.

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3.Ms.Vijayakumari Natarajan, learned Standing counsel takes notice for the Tamil Nadu Pollution Control Board.

4.The petitioner's counsel is called upon to serve papers on the learned Standing counsel for the Tamil Nadu Pollution Control Board.

5.The eighth respondent is substituted as follows:-

“The Superintending Engineer, Public Works Department, Thamirabarani Division, Samathanapuram, Palayamkottai, Tirunelveli District.”

6.We appoint Shri.T.Arul as Amicus to assist the Court in this case. The Commissioner, Tirunelveli City Municipal Corporation has filed an affidavit of undertaking to mitigate and reduce the pollution to a substantial extent within the next 45 days. A similar report is expected from the other local bodies also. Call this case on 03.10.2024.

sd/-
30/09/2024

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01/10/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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THE HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
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GUINDY, CHENNAI.



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COPY TO

SHRI.T.ARUL, ADVOCATE / AMICUS,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

WP(MD) No.18402 of 2018

Date :30/09/2024

RS//SAR-(01.10.2024) 8P 21C
Madurai Bench of Madras High Court is issuing
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