

W.P.No.11382 of 2021

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

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

The matter pertains to the construction of a subway by the railways. The petitioner complains that one or more waterbodies may have been completely destroyed in undertaking the construction.

2. It is submitted on behalf of the railways that the construction is almost complete and the subway is ready for use.

3. The railways also refer to an order of this Court of February 2, 2021 where, in similar circumstances when the public interest litigant complained of waterbodies being constructed upon, this Court disposed of the matter by requiring the writ petitioner therein to make a representation and for the railway authorities to consider

and deal with such representation in accordance with law.

4. In several matters received subsequent to the order of February 2, 2021, the allegations levelled are that railway authorities and National Highways Authority of India in particular, tend to show little respect to waterbodies standing in the way of their putting up new construction to facilitate highways and railway operations.

5. While it is important that highways must be built and deeper access by using the railways is also welcome, the authorities ought to avoid making any construction on any waterbody and if it is completely unavoidable, pillars or the like may be constructed so that the larger part of the waterbody is left undisturbed and the nature thereof not irreversibly altered.

6. There have been other reports of police stations in some places being constructed on what used to be waterbodies. The consistent refrain of this Court has been that waterbodies ought to

be preserved to allow humans and other life forms to survive and a zero tolerance policy has to be adopted when it comes to disturbing or desecrating any waterbody any further. Many major waterbodies all over the State and particularly in the urban areas have altogether disappeared. Even the reason for the devastating flood in 2015 was reported to be as a result of the flowing channels being impeded by arbitrary construction in this city.

7. Both the railway authorities and the State should file their counter-affidavits within three weeks. The State will indicate the nature of the land which has been constructed upon and also the feasibility of the construction being taken down, if necessary, to resurrect the waterbody, if there was one.

List on July 28, 2021. सत्यमेव जयते

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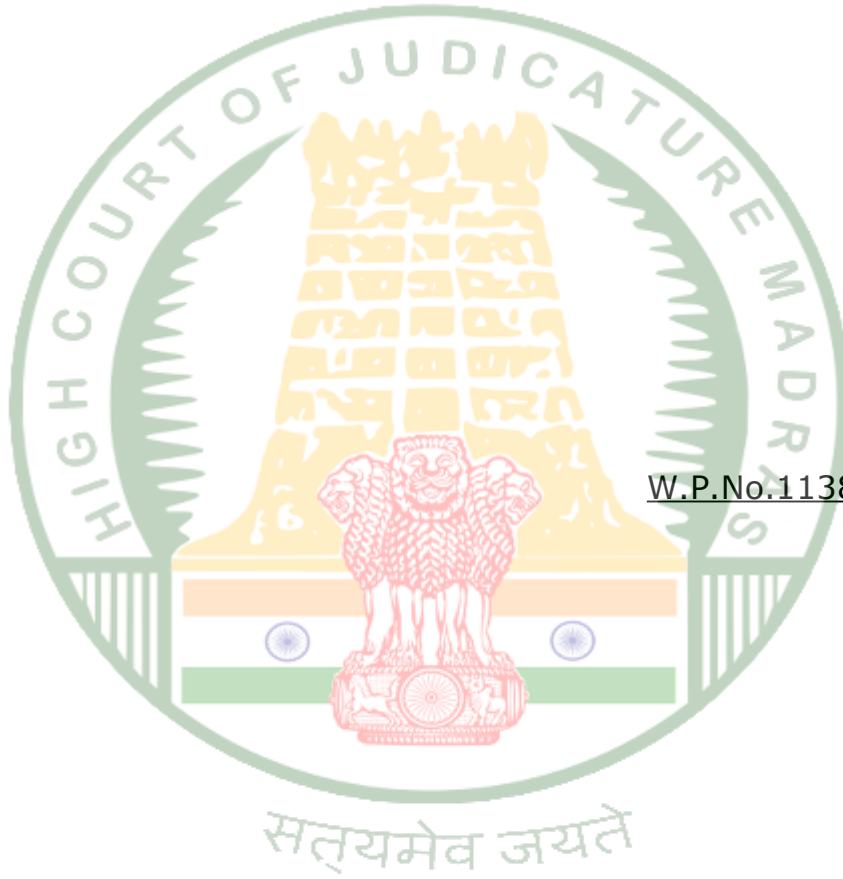
(S.B., CJ.) (S.K.R.,J.)
30.06.2021

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