

**HON'BLE THE CHIEF JUSTICE  
SRI THOTTATHIL B. RADHAKRISHNAN  
AND  
HON'BLE SRI JUSTICE S.V.BHATT**

**W.P. (PIL) No.304 OF 2018**

**ORDER (ORAL):** *(Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard learned counsel for the petitioner in the presence of the petitioner who is also said to be practising as an Advocate after he demitted the office as an Assistant Engineer in the State Irrigation Department.

2. The petitioner states that he champions the cause of the Telangana Engineers Forum which is a body of Engineers. The substance of this public interest litigation is the height and storing capacity of Komaravelli Mallanna Sagar which is decided to be increased to have storage capacity of 50 TMC. According to the petitioner, there can be no storage capacity of that level, having regard to the quantity of water that could be available and the utility to which the available water could be used in that area. It is also pointed out that a huge storage centre with such capacity is also not technically advisable, having regard to issues relatable to the people living in the area in question. The learned counsel for the petitioner argued that if the impugned proposed project is carried forward to its fullness, that would result in huge financial loss to the State by way of unnecessary expenditure which would ultimately result in no utility, in practical terms. Bestowing our anxious consideration to the different materials produced in support of the writ petition, we are of the view that the issues raised by the

petitioner are not justifiable in judicial review jurisdiction, primarily since they are matters fundamentally, relating to technical aspects.

3. We see that the petitioner had filed writ petition before the Hon'ble Supreme Court invoking Article 32 of the Constitution. That was dismissed stating that their Lordships were not inclined to interfere. The petitioner was granted liberty to move the High Court, if advised.

4. The major thrust of petitioner's case is that everything turned around the stand taken by the Chief Minister in review meetings relating to the project. What we see from the materials on record is that the review meetings on irrigation projects led to the proposal to increase the capacity to 50 TMC with FRL + 557.000; being proposed to meet various water requirements like supplementing water storage for packages beyond Package-12, irrigation requirements for 120 days for contemplated ayacut in Karimnagar, Medak, Ranga Reddy and Nalgonda Districts, industrial supplies etc. That only reflects the consideration of the matter at policy proposal levels. We see that thereafter the requisite drill was carried forward by the department concerned leading to the conclusion that the project has to go forward. It also delineated the modalities for taking the project forward.

5. Therefore, even if the petitioner wanted to persuade the Government to drop the proposal, it was for the petitioner to push the representations already made for further consideration. We see that the earliest representation of the petitioner was sometime in

June, 2016. It is too late in the day for us now to assume that the matter should gain attention on the judicial side.

6. For the aforesaid reasons, we dismiss this writ petition holding that there is no ground for interference under Article 226 of the Constitution, however, preserving with the petitioner's eligibility to request for consideration of the representation already made to the Government, which he may pursue through the executive domain.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed. No order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date:20.11.2018  
Stp/Lrkm