



WP (MD) No.8825 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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B.Rajan

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Superintending Engineer (TWAD Board),
Tamil Nadu Water Supply and Drainage Board,
Sivalaperi Road,
Palayamkottai,
Tirunelveli -2.

3.The Executive Engineer (TWAD Board),
Tamilnadu Water Supply and Drainage Board,
Valliyoor, Tirunelveli District.

4.The President,
Valliyoor Town Panchayat,
Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to permit the petitioner to transport the water from the well situated in SF.No.1707/3C1A situated at EB Colony, North Valliyoor Part-1, Radhapuram Taluk, Tirunelveli District to the agricultural land in SF.No.1876/1 of an extent of 2 acres



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situated at Valliyoor, Radhapuram Taluk, Tirunelveli District through the petitioner's tractor bearing registration number in TN 72 BW 6735 for maintaining the 2000 banana trees and coconut trees based on the petitioner's representation dated 20.03.2023.

For petitioner : Mr.Ezhilasasu.C
For Respondent : Mr.GV.Vairam Santhosh,
No.1 Additional Government Pleader
For Respondent : Mr.B.Vijay Karthikeyan
Nos.2 & 3
For Respondent : Mr.H.Arumugam
No.4

ORDER

The petitioner an agriculturist claims that there is acute water shortage in his agricultural land, therefore, by drawing water from his another land, which is 2Kms away from there, he is doing agriculture. However, the panchayat is objecting that the petitioner is extracting water from the residential area, which leads to depletion of water there and ultimately affects the water supply to the residents.



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2.The learned Counsel appearing for the 4th respondent Panchayt by producing certain photographs submits that the petitioner is extracting water from the residence area and using it for commercial purposes.

3.In response, the learned Counsel for the petitioner submits that the petitioner's another land is situated 2Kms away from his agricultural land, he transports water in vehicles and he never used the water for commercial purposes. Further the petitioner is also prepared file an undertaking affidavit before the 4th respondent Panchayat that he would extract only 3 loads per day and he will not use it for any other purposes than agriculture purposes.

4.This Court considered the rival submissions and perused the materials placed on record.

5.Since the petitioner laments that there is acute water shortage in his agricultural land and to safeguard the growing crops, by drawing water from his another land, which is 2kms away, he waters the crops. It is to be noted



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that the Government has not framed sofar any Rules for extracting ground water.

6.In view of the above, this writ petition is allowed. The petitioner is directed to file an undertaking affidavit before the 4th respondent Panchayat that he would extract only 3 loads of water per day and use it for only agricultural purposes. No costs.

10.07.2023

dsk

To

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- 4.The President,
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Valliyoor,
Tirunelveli District.



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B.PUGALENDHI, J.

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