

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15731 of 2015
and
M.P.No.1 of 2015

M/s.Naveen Padding and Garments Washing
Rep by its Proprietor Tmt.K.Santhamani
S.F. No.648, Annaipalayam
15, Vellampalayam Village
Tirupur Taluk.

...Petitioner

Vs.

- 1 The District Collector
Tirupur.
- 2 The District Revenue Officer
Tirupur.
- 3 The Revenue Divisional Officer
Tirupur.
- 4 The Tahsildar
Tirupur.
- 5 The Inspector of Police
Tirupur North Police Station
Tirupur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from obstructing the supply of water taking from the bore well of the petitioner's husband land situated in S.No.27/21 in Muthusamy Street Thottipalayam Village, Tirupur North Taluk, through tanker lorries for industrial purposes by the petitioner.

For Petitioner

: Mr.Ma.P.Thangavel

For Respondents 1 to 5

: Mr.V.Subbiah

Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to be the proprietor of M/s.Naveen Padding and Garments Washing and she is carrying on hosiery business in the land bearing S.F.No.648, Annaipalayam, Vellampalayam Village, Tirupur Taluk and District and the said land exclusively belongs to her husband.

3. The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is running the said company after getting registration from the statutory authorities and moreover, the business requires huge amount of water for processing and in order to provide the same, the petitioner has put up a bore well with commercial electricity service connection in the land of her husband in S.F.No.27/21 in Muthusamy Street, Thottipalayam Village, Tirupur North Taluk, and after drawing water from bore well, it used to be taken in the tanker lorries to the factory premises. The grievance expressed by the petitioner is that every time when the petitioner makes attempt to take water from the above said bore well to the factory premises, the said act is being prevented by the respondents 3 to 5 and in this regard, she has also submitted representations on 27.11.2014 and 13.02.2015 and though the said representations were received and acknowledged, the above said respondents continue to indulge in the above said kind of activities and hence, she came forward to file this writ petition.

4. Mr.Ma.P.Thangavel, learned counsel appearing for the petitioner would submit that this Court in similar facts and circumstances has entertained the writ petition and granted interim orders in M.P.No.1 of 2008 in W.P.No.14013 of 2008 and also passed final orders in W.P.Nos.25352 and 25353 of 2008 and W.P.No.9854 of 2010 and prays for similar orders.

5. Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for respondents 1 to 5 would submit that the petitioner, under the guise of transporting water, used the same for other purposes and prays for dismissal of the writ petition.

6. This Court, without going into the merits of the claim projected by the petitioner as well as the defence putforth by the respondent, directs the fourth respondent to consider and dispose of the petitioner's representations dated 27.11.2014 and 13.02.2015 in accordance with law, after giving an opportunity of personal hearing

to the proprietor of the petitioner concerned or her authorised representative and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mra

To

- 1 The District Collector
Tirupur.
- 2 The District Revenue Officer
Tirupur.
- 3 The Revenue Divisional Officer
Tirupur.
- 4 The Tahsildar
Tirupur.
- 5 The Inspector of Police
Tirupur North Police Station
Tirupur.

1 CC to Mr.Ma.P.Thangavel, Advocate SR.No. 27157

1 CC to the Government Pleader, SR.No. 26676

W.P.No.15731 of 2015
and
M.P.No.1 of 2015

SKV (CO)
PSI (08.06.2015)