

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.33689 of 2015
and
M.P.No.2 of 2015

- 1 T.Murali
S/o.P.Thangarasu No.46
Classpet Neravi
Karaikal
- 2 M.Kannan
S/o.Murugai Pillai
No.37 South Street
Karukanacheri Karaikal
- 3 P.James
S/o.periyasamy
No.11 Pandaga Salai
Thirupattinam Polagam
Karaikal
- 4 S.Santhanakrishnan
S/o.Santhanasamy
No.62 Colony Street
T.R. Pattinam Polagam
Karaikal
- 5 K.Selvaraj
S/o.Kallappan
No.1 South Street P.K.Puram
Velankanni Nagapattinam
- 6 A.Raj
S/o.Arunlnathan
No.32 Mariamman Koil
Street Polagam
T.R.Pattinam Karaikal

WEB COPY

7 T.Chedilal
S/o.P.Thangarasu
No.46 Classpet Neravi
Karaikal

8 R.Pakkirisamy
S/o.Sengaiyan
No.14 Amirtha Nagar
North Vanjal
Karaikal

...PETITIONERS

Vs.

1 The Member cum Secretary
Puducherry Ground Water Authority
Govt of Union Territory of Puducherry
15 Mariamman Magar III Cross St. Extn
Karamanikuppam
Pondicherry - 605 009.

2 The Managing Director
Puducherry Agro Service & Industries Corp'n Ltd
Agri House Thattanchavady
Govt of Union Territory of Puduchery
Puducherry - 605 009.

3 The Deputy General Manager
The Puducherry Agro Service and
Industries Corporation Ltd
Karaikal Branch Karaikal

...RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records which relates to the impugned notice issued by the 3rd respondent dated 12.10.2015 bearing Ref.No.48-15/Indus/PASIC/KB/2015-2016 and quash the same and consequently direct the 3rd respondent to fix the rate at Rs.150/- per tank of water containing 12000 Litres and supply to the petitioners.

For Petitioner : Mr.G.K.Ilanthiraiyan for
M/s.Sai Bharath & Ilan

For Respondents : Mr.R.Sreedhar, G.A.(P)

O R D E R

Petitioners are the licencees of the respondents. What is under challenge is enhancement of the water charges from Rs.150/- to Rs.350/-.

2 The learned counsel for the petitioner submitted that water charges was fixed earlier at Rs.150/-. Unilateral enhancement cannot sustain in the eye of law. The further submission is that in so far as Chemplast is concerned, though charges has been collected on hourly basis, when calculated it with the charges that are being levied against the petitioner, the same would be lesser. Thus, there is discrimination involved.

3 The learned counsel for the respondents submitted that in so far as the Chemplast is concerned, erection and maintenance charges apart from charges to the borewell operators and the supply of the materials are being borne by Chemplast Sanmar Ltd., but petitioners are not paying any cost towards the same. It is further submitted that the respondent No.3 is already having huge deficit leading to deep financial crisis.

4 The learned counsel for the respondents submitted that considering the relevant materials alone enhancement is being made and others are receiving water for the enhanced amount. The earlier rate has been collected for number of years. From 2007 onwards there was no enhancement. Thus, no interference is required.

5 In a matter like this, this Court cannot interfere. Discrimination appears to be valid. The petitioners stand on different footing. The decision has been made based upon the relevant consideration. When the respondent No.3 is already in financial crisis, it cannot be expected that more concession will have to be given to the petitioner. No ground is made out to allow the writ petition.

6 The writ petition is dismissed accordingly.
Consequently, M.P.No.2 of 2015 is also dismissed.

7 However, pending representation if any given by the petitioner may be considered by the respondent No.3 notwithstanding the order passed hereinabove.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar
vaan

To

- 1 The Member cum Secretary
Puducherry Ground Water Authority
Govt of Union Territory of Puducherry
15 Mariamman Magar III Cross St. Extn
Karamanikuppam Pondicherry - 605 009.
- 2 The Managing Director
Puducherry Agro Service &
Industries Corpn Ltd Agri House
Thattanchavady Govt of Union Territory of Puducherry
Puducherry - 605 009
- 3 The Deputy General Manager
The Puducherry Agro Service and
Industries Corporation Ltd
Karaikal Branch Karaikal.

1 CC to Mr.R.Sreedhar, Advocate SR.No. 58155

1 CC to M/s.Sai Bharath & Ilan, Advocate SR.No. 58353

1 CC to the Government Pleader, SR.No. 58311

W.P.No.33689 of 2015
and M.P.No.2 of 2015

CTK (CO)
PSI (04.11.2015)